

# EVANGEL / AGTS 2022

## Annual Security & Fire Report

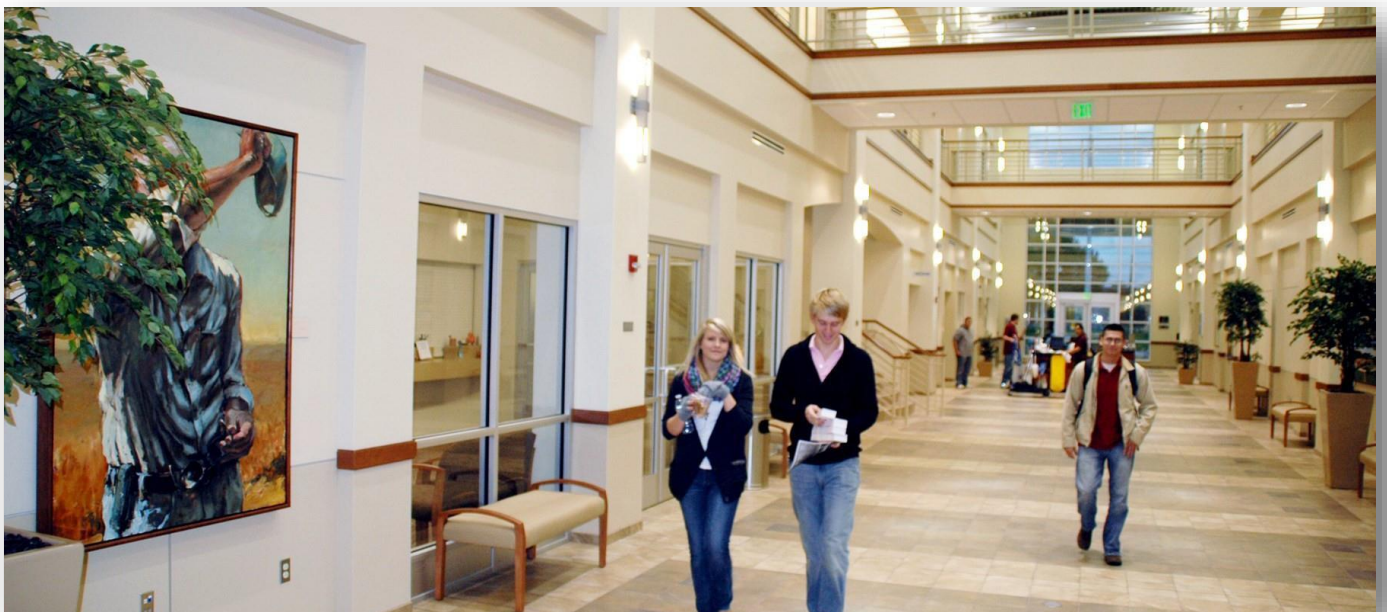
**Includes  
statistics from  
2021 Calendar  
Year**

**EU**  
EVANGEL  
UNIVERSITY



# Table of Contents

➤ Clery Act Reporting Requirements.....	3
➤ Clery Act Crime Definitions.....	5
➤ Crime Statistics.....	7
➤ Public Safety Information.....	8-10
➤ Safety and Security Tips.....	11-12
➤ Timely Warnings and Emergency Notifications.....	13-14
➤ Fire Safety and Emergency Evacuations.....	15-16
➤ Fire Statistics.....	17
➤ Missing Person Policy.....	18-19
➤ Campus Housing Facilities.....	19
➤ Sexual Misconduct, Assault and harassment Policies and Procedures.....	20-25
➤ Sexual Assault Education and Prevention.....	26-33
➤ Alcohol and Drug Policies and Procedures.....	34-45
➤ Campus Security and Crime Prevention Programs.....	46
➤ FBI Crime Definitions.....	47-48
➤ FBI Hate Crime Definitions.....	49
➤ Important Phone Numbers.....	50



# Clery Act Reporting Requirements

In compliance with the *Jeanne Clery Disclosure of Campus Security and Crime Statistics Act*, the Director of Public Safety is designated as the Campus Security Survey Administrator, who is responsible for the preparation of the Annual Security Report (consisting of campus security policy disclosures and campus crime statistics for the previous three calendar years) and its submission by October 1 to the U.S. Department of Education.

This Annual Security Report is prepared in cooperation with local law enforcement agencies surrounding our campus, as well as Evangel University's Student Development Division, which provides updated information on the University's educational programs and policy disclosures conducted in order to comply with the Clery Act.

Additionally, the Annual Security Report includes the frequency of occurrence of certain categories of crimes specified in the Clery Act to include *Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Violations, Drug Abuse Violations, and Liquor Law Violations*.

These crime statistics are collected by the Director of Public Safety from the following sources: incident reports written by EU Public Safety officers; information that may be provided by the Springfield Police Department, Missouri Highway Patrol and/or the Greene County Sheriff's Department; reports provided by victims of campus crime; and reports provided by EU officials designated as "Campus Security Authorities" (including, but not limited to: vice presidents, directors, department heads, Community Life Department staff, athletic coaches, and faculty/staff advisors to student organizations). Once Evangel University's crime statistics report has been submitted to the U.S. Department of Education and reviewed by that staff, the Department of Education will make that data available to the general public at <http://ope.ed.gov/security>.

It is the policy of Evangel University that the Vice President for Student Development or designee shall distribute by electronic mail, to all enrolled students, faculty and staff, the appropriate hyperlink to the Annual Security Report; that the Human Resources Director will notify prospective employees of the availability of the report; and

that the Admissions Director will notify all prospective students of the availability of the report.

The Annual Security Report also includes:

- Policies regarding procedures and facilities for students and others to report criminal actions or other emergencies on campus and regarding the University's response to such reports.
- Policies concerning security of and access to campus facilities, including campus housing.
- Campus security policies, including enforcement authority, and policies encouraging prompt and accurate criminal reporting.
- Description of the types of programs designed to educate and inform students and employees about campus security procedures and crime prevention procedures.
- Annual reporting of statistics concerning the occurrence of Clery reportable crimes on campus property and other properties used by students under campus control as required by the Clery Act.
- Policy regarding possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws.
- Policy regarding possession, use and sale of illegal drugs and enforcement of federal and state drugs laws.
- Campus sexual assault programs and procedures to prevent sex offenses.
- Where registered sex offenders may be obtained.
- Information regarding missing student notification procedures.

The Annual Security Report for Evangel University can be viewed at the following web site: [Public Safety - Evangel University](#). Copies of the Annual Security Report may also be obtained by contacting:

Director of Public Safety  
Evangel University  
Springfield, Mo 65802  
(417) 575-8911

# Clery Act Reporting Requirements

**Evangel University and the Assemblies of God Theological Seminary (AGTS) use combined crime and fire statistical reporting:**

Evangel University and the Assemblies of God Theological Seminary (AGTS) have merged into one school, but due to a technicality in the way the Department of Education views each institution as separate, both must complete an Annual Safety and Fire report, though due to the geography of AGTS being on the Evangel campus and sharing re- sources such as residential facilities the statistics for crime and fire statistics are combined in both school's reports.

## Map of Evangel / AGTS Campus

### EU CAMPUS

- 1 SPENCE HALL
- 2 WALTHER HALL
- 3 SCOTT HALL
- 4 CRUSADER DINING HALL
- 5 JOUST-STUDENT UNION
- 6 CLOCK TOWER
- 7 BARNETT FINE ARTS BUILDING
- 8 SPENCE CHAPEL
- 9 RIGGS ADMINISTRATION BUILDING
- 10 SECURITY
- 11 TRASK HALL
- 12 ZIMMERMAN HALL
- 13 KLAUDE KENDRICK LIBRARY
- 14 KRAUSE HALL
- 15 BURGESS HALL
- 16 LEWIS HALL
- 17 AGTS
- 18 AGTS GYMNASIUM
- 19 PERKIN APARTMENTS
- 20 LOWER INTRAMURAL FIELD
- 21 BASEBALL FIELD
- 22 BASEBALL FIELDHOUSE
- 23 SOFTBALL FIELD
- 24 MABEE STUDENT FITNESS CENTER
- 25 ASHCROFT CENTER
- 26 PHYSICAL PLANT
- 27 CORYELL FIELD
- 28 UPPER INTRAMURAL FIELD

### PARKING LOTS

- A SOUTH STUDENT
- B SOUTH GUEST & FACULTY
- C NORTH STUDENT
- D PERKIN
- E WEST STUDENT
- F WEST FACULTY
- G PHYSICAL PLANT



EVANGEL.edu

# Clery Act Criminal Offense Definitions

**Murder and non-negligent manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. For Clery Act reporting, the following are types of sexual assault:

**Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. The State of Missouri classifies the crime of rape under statutes *Rape in the first degree* and *Rape in the second degree*. (RSMo [566.030](#) and [566.031](#))

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. The state of Missouri classifies fondling under the *Sexual Abuse* statutes (RSMo [566.100](#) and [566.101](#))

**Incest :** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape :** Sexual intercourse with a person who is under the statutory age of consent. (RSMo 566.032 and 566.034)

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear. (RSMo 570.023 and 570.025)

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. The state of Missouri classifies aggravated assault as *Assault, First Degree*, (RSMo 565.050).

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. Missouri State Statute (RSMo 569.160 & 569.170)

**Motor vehicle theft:** The theft or attempted theft of a motor vehicle. Missouri classifies the theft or attempted theft of a motor vehicle under State Statute *Tampering* in the first and second degree (RSMo [569.080](#) & [569.090](#)).

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, aircraft or other personal property of another. Missouri State Statutes (RSMo [569.040](#), [569.050](#) and [569.053](#)) cover the crime of arson.

**Hate Crime:** A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Under the Clery Act, bias includes race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability. The following additional crimes are reportable under the Clery Act if they are Hate Crimes:

**A. Larceny-theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession, of another person.

**B. Simple assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**C. Intimidation:** to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and / or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**D. Destruction, damage, or vandalism of property:** to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Missouri's *Hate offenses law* (RSMo [557.035](#)) **Hate offenses — provides enhanced penalties for motivational factors in certain offenses. —**

1. For all violations of subdivision (1) of subsection 1 of section 569.100 or subdivision (1), (2), (3), (4), (6), (7) or

# Clery Act Criminal Offense Definitions

(8) of subsection 1 of section 571.030, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the offense or offenses under this section, and the violation is a class D felony.

2. For all violations of section 565.054; subdivisions (1), (3) and (4) of subsection 1 of section 565.090; subdivision (1) of subsection 1 of section 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the offense or offenses under this section, and the violation is a class E felony.

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

**Liquor Law Violations:** Violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness

**Weapons Law Violations:** the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

## Violence Against Women Act (VAWA)

In accordance with the Violence Against Women Act, statistics on dating violence, domestic violence, and stalking are reportable under the Clery Act since March 7, 2014.

**Dating violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic violence:** A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred ; (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

# Crime Statistics

## Evangel University—Clery Act Statistical Summary

Reported in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Data sources include Evangel Public Safety, Springfield Missouri Police Department, Greene County Sheriff Department, Missouri Highway Patrol.

Total Crimes Reported For: Offense Type (Includes attempts)	Evangel Main Campus (Residential and Total)						Non-Campus Building or Property			Public Property			Total		
	2019		2020		2021		2019	2020	2021	2019	2020	2021	2019	2020	2021
	Res.	Total	Res.	Total	Res.	Total									
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	4	1	1	0	0	0	0	0	0	0	0	4	1	0

### Number of Arrests/Referrals for Disciplinary Action - Selected Offenses

Offense Type (Includes attempts)	Evangel University Main Campus						Non-Campus			Public Property			Total		
	2019		2020		2021		2019	2020	2021	2019	2020	2021	2019	2020	2021
	Res.	Total	Res.	Total	Res.	Total									
<b>Liquor Law Violations</b>															
Arrest	0	0	0	0	0	0	1*	0	0	0	0	0	1	0	0
Referral for Discipline	3	3	3	3	0	0	0	0	0	0	0	0	3	3	0
<b>Drug Law Violations</b>															
Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referral for Discipline	2	2	0	0	0	0	0	0	0	0	0	0	2	0	0
<b>Weapon Law Violations</b>															
Arrest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Referral for Discipline	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

\* The 2019 Liquor law arrest was from a police traffic stop of a non-Evangel person, which stopped in front of or on EU property.

#### HATE CRIMES:

2019: No hate crimes reported  
 2020: No hate crimes reported  
 2021: No hate crimes reported

#### UNFOUNDED CASES:

2019: No crimes reclassified  
 2020: No crimes reclassified  
 2021: No crimes reclassified

## Stalking, Dating Violence and Domestic Violence Crimes

Evangel University includes statistics for incidents of domestic violence, dating violence and stalking to comply with the Violence Against Women Act (VAWA)

Offense Type	Evangel Main Campus						Non-Campus			Public Property			Total		
	2019		2020		2021		2019	2020	2021	2019	2020	2021	2019	2020	2021
	Residential	Total	Residential	Total	Residential	Total									
Stalking	1	1	0	0	0	0	0	0	0	0	0	0	1	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

# EU/AGTS Public Safety Information

## **AGTS / EVANGEL Public Safety Authority**

Evangel University Department of Public Safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business at Evangel University. Evangel University Department of Public Safety officers have the authority to issue parking tickets and traffic citations.

Public Safety officers do not possess arrest power and are not commissioned police officers. Public Safety officer's jurisdiction is comprised of property owned and/or controlled by Evangel University. Criminal incidents are referred to Springfield Police Department who have jurisdiction on the campus. The Department of Public Safety at Evangel University maintains a highly professional working relationship with the Springfield Police Department. Evangel University does not have a formal Memo of Understanding with the Springfield Police Department.

All crime victims and witnesses are strongly encouraged to immediately report the crime to the Department of Public Safety at ext. 7000 or (417) 575-8911 and to the Springfield Police Department. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics.

## **Procedures for Reporting Criminal Offenses**

Students, faculty, staff, and guests are encouraged to report all crimes to the Springfield Police Department and to the Department of Public Safety in a timely manner. Any suspicious activity or person seen in parking lots or loitering around vehicles, inside buildings or around the residence halls should also be reported to the Department of Public Safety.

To report a crime or an emergency on the Evangel University campus, call the Department of Public Safety from a campus phone at extension 911 or, from outside the University phone system, (417) 575-8911 or (417) 865-2815 ext. 7000. To report a non-emergency security related matter, call the Department of Public Safety at extension 7000 or, from outside the University phone system, (417) 575-8911 or (417) 865-2815 ext. 7000. Sex crimes or misconduct may also be reported to the Title IX officers, the Director of Human Resources and the Vice President for Stu-

dent Development or any Campus Security Authority.

Dispatchers are available at these respective telephone numbers 24 hours a day to answer calls. In response to a call, the Department of Public Safety will take the required action, dispatching an officer or asking the victim to report to the Department of Public Safety to file an incident report.

All Public Safety incident reports involving students are referred to the Vice President for Student Development and the Community Life Department for review and potential disciplinary action. Incidents are reviewed by the Director of Public Safety or his designee to determine if a timely warning notice is appropriate. The Department of Public Safety will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Vice President for Student Development and the Community Life Department.

If assistance is required from the Springfield Police Department, the Department of Public Safety will contact Springfield-Greene County 911 and request an officer. Crimes should be reported to the Springfield Police Department





# EU/AGTS Public Safety Information

and the Evangel University Department of Public Safety to aid in providing Timely Warning notices to the community, when appropriate, and to ensure inclusion in the annual crime statistics report.

## Prompt and Accurate Reporting

Evangel University encourages and expects victims and witnesses of crimes to report crimes to the Springfield Police Department and to the Department of Public Safety even if the victims do not want to pursue action within Evangel University's Community Accountability Program or through the local or state criminal justice system.

The Department of Public Safety is not a police department. The university encourages and expects victims and witnesses of crimes to report crimes to the Department of Public Safety as well at: extension 7000 or (417) 575-8911

When the victim of a crime elects to, or is unable (physically/mentally) to make such a report either witnesses or Evangel Community members can make a report on behalf of the victim.

All reports made to local law enforcement, Evangel Public Safety or a Campus Security Authority are counted and disclosed in the annual crime statistics for the institution and will be evaluated by the Director or his designee to determine if an immediate notification, timely warning, or public safety announcement should be made.

## Voluntary Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the Evangel University System or the criminal justice system, you may still want to make a confidential report. With your permission, the Director of Public Safety or a designee of EU DPS can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to keep your identity confidential while allowing others to take precautions to insure their safety. With such information, Evangel University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.



# EU/AGTS Public Safety Information

## Emergencies

Evangel Public Safety is responsible for coordinating and providing emergency and public safety services to the Evangel main campus, which includes the Assemblies of God Theological Seminary (AGTS). Its principal related services are:

- Security related services
- Coordination of asset and institutional facilities security
- Response to criminal and medical calls

Evangel Public Safety has a direct contact number (417-575-8911) or can be reached by dialing x7000 on an on-campus phone. Trained communications officers monitor these numbers 24 hours a day, 365 days a year.

## Non-Emergencies

Evangel Public Safety coordinates with the Springfield Police Department to investigate any criminal offenses committed on Evangel campus. If the investigation includes a Title IX offense

then the Director of Public Safety will also conduct an investigation with the results of the investigation being provided to the Title IX Coordinator.

While appointments with Public Safety officers to make a report are always subject to an emergency or higher priority call, every effort is made to take the report in a manner most convenient to the victim. Crimes can also be reported to the following offices:

- **Vice President of Student Development**
- **Director of Counseling Services**
- **Human Resources**
- **Director of Housing**
- **Title IX Coordinator**
- **Any Faculty or Staff Member**



# Safety and Security Tips

## On Campus:

- Never walk alone at night. Call a friend or Public Safety to have an Officer escort you to your dorm or car. Call 417-575-8911.
- Always be aware of your surroundings. Walk purposefully and make eye contact with strangers.
- In parking lots, have keys ready when you approach your car to make your entry easier.
- After dark, try to park in a well-lit area close to your destination.
- Always lock car doors and roll up windows. Keep valuables out of sight or in trunk.
- If you feel threatened, immediately go to an open building where there are other people and call Public Safety at 417-575-8911.
- Never leave personal items unattended or unlocked.
- Emergency (911) calls will be directed to the Greene County Emergency Communication Center and Officers from the Springfield Police Department will be dispatched to handle the call. For faster assistance advise the person answering the 911 call that your emergency is happening on the Evangel University campus so they will know to contact Evangel Public Safety to also assist with the call.

## At Home:

- Always lock apartment and residence hall room doors, even when you are there. Take keys with you even when stepping out “just for a second.”
- If you live in an area with locked doors, such as a residence hall, do not let strangers in without a key. This protects both you and your neighbors.
- Keep windows locked.
- Don’t lend out your keys or leave them lying around. Detach house keys from the main ring when having your vehicle serviced.
- Utilize peepholes or safety chains. Don’t open doors without verifying the identity of the person on the other side.
- Don’t keep expensive jewelry, collectibles or large amounts of cash at home.
- Don’t advertise your absence, especially on your answering machine or any social networking sites. Put only a basic message on your machine identifying the phone number and requesting callers to leave a message.

## In Social Situations:

- When dating someone you don’t know well, ask people you trust about your date.
- Socialize in groups so that you’re not alone with just one person. There really is safety in numbers.
- Drive yourself and carry extra money in case you need to get home alone.
- If you feel uncomfortable, there’s probably a reason. It’s better to do something you may consider rude that to remain in a dangerous situation.
- Remember that alcohol impairs both your decision-making processes and the ability to communicate.
- Keep all drinking glasses, bottles or other open containers in sight at all times. When accepting a drink of some kind, make sure that you open the container yourself and be aware that ice cubes could contain harmful substances as well.
- If you drink, DO NOT drive. Call a cab, a friend, or Uber driver.



# Safety and Security Tips

## Guard Your Privacy on Social Networking Sites:

- Don't give out information simply because it is requested.
- Giving out birthdates, full names, addresses, phone numbers, Social Security numbers, bank or credit card accounts, and other personally identifiable information can lead to identify theft and cyberstalking.
- Select gender-neutral usernames.
- Protect your passwords. Avoid using common easy to crack passwords such as, 12345, abc123, password, spring2017, etc.
- Be cautious about posting pictures of yourself, as stalkers sometimes can become obsessed by a photos or images.
- Versions of online information can be archived, so once you post information, deleting it does not ensure that it is no longer available online.
- Be cautious about arranging personal meetings with new online acquaintances.
- Only post information that you are comfortable having others see, including parents, potential employers, instructors, etc.
- Trust your instincts.

## Avoid Identify Theft:

Identity theft is the nation's fastest-growing crime.

If you become a victim of identity theft, it can take years to restore your credit and clear your name. Here are some "Do's" and "Don'ts" to help keep you safer:

**DO:** Only enter your sensitive personal information on trusted sites.

**DO:** find out why your card is unexpectedly denied.

**DO:** Shred receipts, bills, and other documents that might have personal information written on them.

**DO:** Obtain a copy of your credit report periodically. Active accounts that you do not recognize could indicate fraudulent activity.

If you suspect your identity has been stolen, **DO:**

- File a report with the local police department.
- Notify one of the three credit reporting agencies to put in place a fraud alert.
- File a report with the Federal Trade Commission ([www.identitytheft.gov](http://www.identitytheft.gov)) or call 1-877-IDTHEFT.

**DON'T:** Share your passwords with anyone, even family and close friends.

**DON'T:** Ignore calls from creditors about charges. This could be the first sign that your identity has been stolen.

**DON'T:** Reply to emails that request personal information. These messages are called phishing messages, and they are a common tool of identify thieves.

**DON'T:** Leave paperwork that contains personal information lying around for others to see or steal.

# Timely Warnings and Emergency Notifications

Anyone with information warranting a Timely Warning or Emergency Notification or anyone activating the University's emergency communications system should report the circumstances to Evangel Public Safety immediately. The University will issue warnings or notifications as appropriate to keep the campus community informed about safety and security matters on an ongoing basis and to prevent similar crimes from occurring. The decision to issue a Timely Warning or Emergency Communication shall be decided on a case-by-case basis in compliance with the Clery Act and consider all the facts. The timing of the notification shall, in the first instance, be based upon whether the crime is considered a serious or continuing threat to the students or employees and the possible risk of compromising law enforcement efforts.

## Timely Warnings

Timely Warnings are issued for reported Clery Act crimes that are considered by the University to represent a serious or continuing threat to students and employees and are the sole responsibility of the institution. These warnings are issued in a manner that gets the word out quickly communitywide in an effort to prevent similar crimes. The University will attempt to unnecessarily identifying the victims of crimes when making a timely warning.

Timely warnings can be issued for threats to property, as well as for threats to persons. It is irrelevant whether the victims or the perpetrators are members of the campus community.

Crimes reported to a professional counselor or pastor which would meet the Timely Warning requirement are exempt due to the confidential means of the report being made.

The Director of Public Safety or his designee is responsible for preparing and issuing timely warnings. The Timely Warning will be issued through the University email system to students, faculty, and staff. The Timely Warning may also be posted around campus and may be posted in the campus newspaper, *The Lance*. Depending on the particular circumstances of the crime, especially in situations that could pose an immediate threat to the community and individuals, the Department of Public

Safety may activate the electronic messaging system, campus wide intercom system or other means of mass communication to include social media.

## Timely Warning Procedures:

The campus crime "Timely Warning" is provided to heighten awareness and to provide students, faculty and staff timely notification of Clery Act crimes that are considered to represent a serious or ongoing threat to the campus community. The warning will provide pertinent information related to the crime and available suspect information.

The Director of Public Safety or his designee is responsible for preparing and issuing timely warnings. The Director of Public Safety will make the decision to issue a timely warning on a case-by-case basis considering the facts surrounding a crime, including the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

Anyone with information warranting a timely warning should report the circumstances to the Department of Public Safety, by phone (417-865-2815 ext. 7000 or (417) 575-8911) or in person at the Department of Public Safety in Riggs Hall 208.

## Emergency Response and Evacuation Procedures Campus Emergency Management

Evangel University maintains an Emergency Response Team (ERT) comprised of key members of the senior administration and staff. ERT members meet each term to discuss emergency management issues and conduct training and conduct tabletop exercises. The ERT works closely with Greene County Emergency Management, the National Weather Service, and other key partners. The university also maintains an Emergency Crisis Plan (ECP) that employs the principles of the FEMA's Incident Command System, as well as the four phases of emergency response (planning, mitigation, response, and recovery). The ECP provides a framework for managing all emergent incidents and hazards, regardless of the type, scale, or complexity.

<https://www.evangel.edu/emergency-or-crisis-plan/>

# Timely Warnings and Emergency Notifications

## Emergency Notifications

Anyone may report an emergency to Evangel Public Safety by calling 417-575-8911 or by dialing x7000 on a campus phone. After responsible personnel have been made aware and confirmed by a public safety officer of an emergency that poses a significant threat to the health and safety of the campus community, an Emergency Notification will be issued without delay through the Emergency Notification System (ENS).

The ENS message will contain pre-scripted brief messages or tailored content developed by Public Safety to inform the campus community what is occurring and suggested actions to take. After the threat has passed an “all clear” message will be sent through the ENS system letting the campus community know there is no longer a threat.

A localized threat in a specific building, such as a fire, will not require a mass notification to the campus community.

The ENS system can use text messaging, phone message and email to deliver an emergency communication. Other communications methods may also be employed including, website, social media, campus-wide intercom system, fire detection system. It is the responsibility of students, faculty, and staff to provide updated personal information to ensure successful message delivery. At the beginning of each semester, students have an opportunity during registration to change their contact information.

Personal information on faculty and staff are maintained in Human Resources Office.

The following University officials have the authority to issue an ENS message, President, Vice President for Business and Finance, Vice President of Student Development, Provost, Director of Public Safety, Assistant Director of Public Safety, Public Safety Supervisors.

Reasons for ENS notifications may include, but are not limited to: Campus closures, weather warnings, fire, natural gas leaks, hazardous materials spill, natural disasters, campus wide power outage, violent criminal behavior, bomb threats or other imminent danger, explosions on campus and terrorism incidents.

Larger Community notifications will be accomplished through both regular media outlets as well as social media resources by the director of public relations.



# Fire Safety and Emergency Evacuations

## **Fire safety systems in on-campus housing facilities:**

At Evangel University the six residence halls (Burgess, Krause, Lewis, Scott, Spence, and Walther) are continuously monitored by an addressable fire detection system. Smoke detectors are located in the hallways and lobbies. Heat detectors are located in the laundry room and mechanical room. Manual pull stations are available at each exit point.

Audible and visual alarms are activated in the residence hall and at the Department of Public Safety communications center when any sensing device detects the conditions of a fire. Each floor in the residence hall is equipped with at least two fire extinguishers. These systems are maintained by the Department of Public Safety.

Additionally, in every residence hall room there is a battery-operated smoke detector maintained by the Physical Plant Department.

Perkin Hall apartments, Evangel Court duplexes, and other rental properties are equipped with battery-operated smoke detectors and battery-operated CO<sub>2</sub> detectors maintained by the Physical Plant. Battery operated devices provide an audible alarm at the device.

## **Number of fire drills held during the previous calendar year:**

Fire drills were conducted in Lewis Hall, Krause Hall, Burgess Hall, Scott Hall, Walther Hall, and Spence Hall in the spring and fall of 2021.

## **Policies and rules on portable electrical appliances, smoking, and open flames:**

Cooking and Appliances: Cooking: The halls do not have wiring or drainage capacities for full meal preparation. See acceptable Appliances

Each residence hall has an ice machine and vending machines in either the 1st or 2nd floor lobby. Microwaves, coffeepots, hot pots, crockpots, blenders, and compact refrigerators are the only acceptable appliances in rooms. For several appliances, use a UL approved power strip attached directly to wall outlet (not multiple extension cords, which are fire hazards). Appliances must be kept clean and are subject to room inspection standards.

Open flames/smoke: Objects producing or are capable of producing flames are prohibited, including burning/ burnt candles, incense, oil lamps, matches, and cigarette lighters are prohibited in the residence halls.

Maintain a healthy lifestyle, abstaining from the possession or use of alcoholic beverages, tobacco and/or smoking products, narcotic and/or hallucinogenic drugs (outside of a legal prescription), marijuana, paraphernalia, etc., as well as refraining.

## **Procedures for student housing evacuation in the case of a fire alarm.**

In the event of a fire alarm students should evacuate using the primary or secondary route and assemble with other residents of their floor at the predetermined assembly point in a safe area away from the residence hall.

## **Policies regarding fire safety education and training programs provided to the students and employees:**

Each Residence Director conducts a hall meeting at the beginning of the semester to provide information on fire safety and the appropriate action to take during a fire alarm or fire emergency. The Residence Director covers evacuation routes and assembly points in these meetings.

The following information regarding the proper procedure to follow in case of a fire or explosion is provided in the current *Evangel University Emergency or Crisis Plan* flip chart maintained and posted in various campus locations for students and employees by the Evangel University Safety Committee:

### **Fire or Explosions**

1. Activate any fire alarms in the vicinity.
2. Call the Department of Public Safety at 911 or 7000 and report the fire.
3. If you have proper training, use a fire extinguisher before evacuating only if it is possible to do so without jeopardizing your personal well-being, and the fire is small or just beginning.
4. In smoky conditions, crawl, staying near the floor; touch closed doors before opening them to see if they are hot from a fire on the other side.
5. If there is time, close all windows and doors, turn off all electrical circuits and gas valves.

# Annual Fire Safety Report

6. Do not lock doors or use elevators.
7. Leave the building (assist any persons with mobility impairments out of the building or at least to safe refuges [e.g., stairwell landings]) and assemble outside the building. Immediately determine if everyone is present.
8. Inform emergency and Public Safety personnel of the locations of any people who may still be in the building (e.g., physically impaired).
9. The building may be re-occupied upon issuance of an "All clear" signal by Department of Public Safety.

The following fire safety education information is provided in the current *Student Handbook*:

**Fire Alarms:** All students MUST leave a campus building immediately when a fire alarm sounds.

**Fire Doors:** According to the City Fire Marshal stairwell doors must not be left open.

**Fire Safety Systems:** Misusing or committing pranks involving fire safety systems (e.g., building or floor fire/smoke alarms, fire extinguishers and electrical panels) is prohibited and typically results in suspension. Students violating this standard may be prosecuted also by the City of Springfield, as this is a violation of Springfield city ordinances. Municipal Ordinance #F109-3 provides that such a person will be issued a citation and a summons to appear in court. The penalty is six months in jail and/or a \$500 fine. If a fire truck responds to the false alarm, the penalty is six months in jail and a \$500 fine. In addition, the Fire Marshal states that when the pulling of a fire alarm as a prank results in the evacuation of over ten persons from a building, it can be considered a "terrorist threat." This is a Class "C" Felony and, as a federal offense, would be turned over to the FBI for prosecution.

**Smoke detectors in residence hall or room:** Tampering with smoke detectors, including removing the batteries or disabling them in any way, is prohibited. These things are important to let us know if there is a fire (or you have burned popcorn)!

## List of titles of each person or organization to which students and employees should report that a fire has occurred:

Fires, regardless of size or damage, must be reported immediately to the Department of Public Safety at 417-865-2815, ext. 7000, 417-575-8911, or 911 (not 9-911) from an on-campus telephone.

## Future improvements:

1. Generator back-up of all residence halls for essential lighting and electronics.
2. Installation of additional emergency exit signs and re-orientation of some existing exit signs.
3. Exit routes posted on every floor.



# Annual Fire Safety Report

## Residential Facilities Fire Statistics

Facility	Address	Number of Fires 2019	Number of Fires 2020	Number of Fires 2021	Category of Fire	Cause of Fire	Fire related injuries	Fire related deaths	Property Damage
Spence Hall	1111 N. Glenstone Ave.	0	0	0	N/A	N/A	0	0	0
Walther Hall	1111 N. Glenstone Ave.	1	0	0	Structural	Roofing work	0	0	\$14,590
Scott Hall	1111 N. Glenstone Ave.	0	0	0	N/A	N/A	0	0	0
Krouse Hall	1111 N. Glenstone Ave.	0	0	0	N/A	N/A	0	0	0
Burgess Hall	1111 N. Glenstone Ave.	0	0	0	N/A	N/A	0	0	0
Lewis Hall	1111 N. Glenstone Ave.	0	0	0	N/A	N/A	0	0	0
Perkins Hall	1111 N. Glenstone Ave.	0	0	0	N/A	N/A	0	0	0
House 1	1533 E. Division St.	0	0	0	N/A	N/A	0	0	0
House 2	1541 E. Division St.	0	0	0	N/A	N/A	0	0	0
House 3	1522 N. Weller St.	0	0	0	N/A	N/A	0	0	0
House 4	1630 E. Pythian St.	0	0	0	N/A	N/A	0	0	0
House 5	1634 E. Pythian St.	0	0	0	N/A	N/A	0	0	0
House 6	1644 E. Pythian St.	0	0	0	N/A	N/A	0	0	0
House 7	1650 E. Pythian St.	0	0	0	N/A	N/A	0	0	0
House 8	1660 E. Pythian St.	0	0	0	N/A	N/A	0	0	0
House 9	1670 E. Pythian St.	0	0	0	N/A	N/A	0	0	0
House 10	1710 E. Pythian St.	0	0	0	N/A	N/A	0	0	0
House 11	1526 N. Weller Ave.	0	0	0	N/A	N/A	0	0	0
House 12	1536 N. Weller Ave.	0	0	0	N/A	N/A	0	0	0
House 13	1540 N. Weller Ave.	0	0	0	N/A	N/A	0	0	0
House 14	1517 N. Delaware Ave.	0	0	0	N/A	N/A	0	0	0
House 15	1627 N. Delaware Ave	0	0	0	N/A	N/A	0	0	0
Duplex 1	1508 N. Evangel Court	0	0	0	N/A	N/A	0	0	0
Duplex 2	1514 N. Evangel Court	0	0	0	N/A	N/A	0	0	0
Duplex 3	1520 N. Evangel Court	0	0	0	N/A	N/A	0	0	0
Duplex 4	1526 N. Evangel Court	0	0	0	N/A	N/A	0	0	0
Duplex 5	1534 N. Evangel Court	0	0	0	N/A	N/A	0	0	0
Duplex 6	1540 N. Evangel Court	0	0	0	N/A	N/A	0	0	0
Duplex 7	1546 N. Evangel Court	0	0	0	N/A	N/A	0	0	0
Duplex 8	1552 N. Evangel Court	0	0	0	N/A	N/A	0	0	0
Duplex 9	1554/1556 N. Evangel Court	0	0	0	N/A	N/A	0	0	0
Duplex 10	1716 E. Pythian St.	0	0	0	N/A	N/A	0	0	0

Evangel University and the Assemblies of God Theological Seminary (AGTS) have merged into one school, but due to a technicality in the way the Department of Education views each institution as separate, both must complete an Annual Safety and Fire report; due to the geography of AGTS being on the Evangel campus and sharing resources such as residential facilities the statistics for crime and fire statistics are combined.

# Campus Housing Facilities

## Security and Access

### Housing Access and Security

During business hours the University facilities (excluding housing facilities) will be open to students, parents, employees, contractors, and guests. During non-business hours access to these facilities is gained by utilization of a proximity access card, if issued, or by admittance via Department of Public Safety personnel. In the case of periods of extended closing, the Department of Public Safety will admit to university facilities only those having prior approval.

Some facilities, such as the Ashcroft Activities Center, Mabee Student Fitness Center, and the Kendrick Library, have hours of operation that vary at different times of the year. In these cases the facilities will be secured according to schedules developed by the department responsible for the respective facility.

Residence halls are locked 24 hours per day. During semesters, access to residence halls is gained by utilization of a proximity access card or by admittance via Community Life staff or Department of Public Safety personnel, and is limited to the Director of Community Life, residence directors, resident students of the respective hall and their guests, as well as EU housekeeping staff and RV MAPS volunteers (6:45 a.m.-5:00 p.m.). Authorized service personnel (select Physical Plant staff and IT staff) are allowed access to residence halls to conduct their duties 7:00 a.m. – 10:00 p.m. and are limited to 10:00 a.m. - 5:00 p.m. for non-emergency repairs; exceptions may be made after hours to make emergency repairs. Vending Machine Vendors are allowed access to the residence halls from 6:00 a.m. - 5:00 p.m. M-F, and Newspaper vendors are allowed access to the residence hall from 6:00 a.m. - 8:00 a.m. every day.

Over extended breaks, the doors of all residence halls will be secured around the clock, and access will be limited to residence directors, EU housekeeping staff, authorized service personnel, and only those resident students who might be given authorization by the Director of Housing for

such access.

Emergencies may necessitate changes or alterations to any posted schedules.

Security surveys will be conducted in areas that are identified as problematic. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. The Department of Public Safety checks for appropriate lighting and other safety concerns and reports problems to the Physical Plant Department for correction.

### Missing Person Policy

Every Evangel University employee and student has a duty to report a person believed to be missing to the Evangel University Department of Public Safety at (417) 865-2815 ext. 7000. The Department of Public Safety immediately investigates any report of an individual missing from campus.

It is the policy of Evangel University to provide each student residing in student housing facilities the option of identifying an individual to be contacted by the University in the event that the student is determined to be missing for a period of more than 24 hours. The students will provide this information during the registration process or throughout the semester on the student portal.

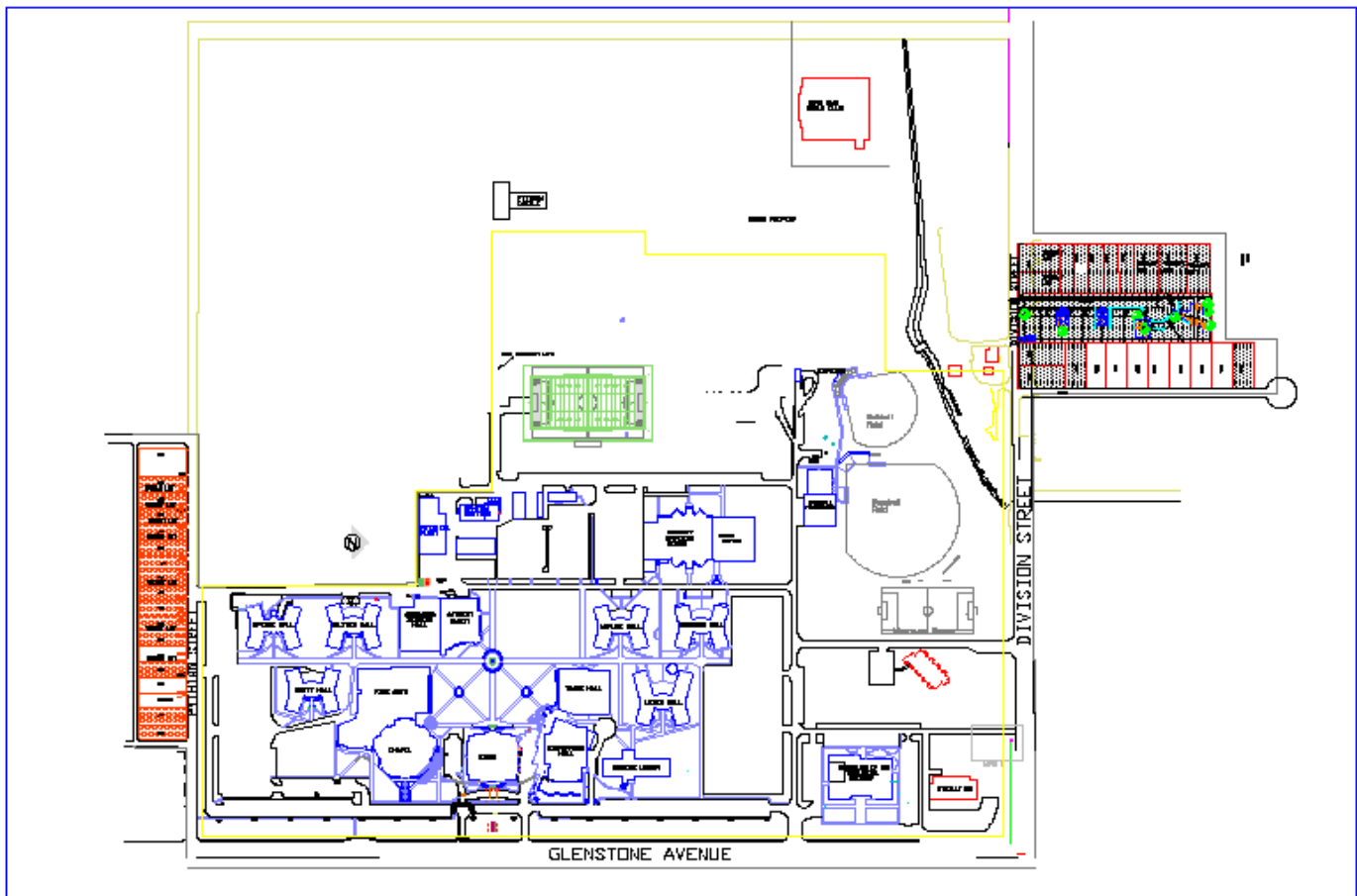
The student will be advised that his or her “missing student” contact information will be registered confidentially, will be accessible only to authorized university officials, and may not be disclosed except to those officials and enforcement personnel engaged in a missing person investigation.

After investigating a missing person report, should EU DPS determine that the student has been missing for 24 hours, EU will notify Springfield PD and the student’s “missing student” contact no later than 24 hours after the student is determined to be missing. Students under the age of 18, who are not emancipated individuals, shall be advised that the University is required to notify the student’s custodial

# Campus Housing Facilities

## Security and Access

parent or legal guardian within 24 hours after the Evangel University Department of Public Safety or another law enforcement agency determines that the student has been missing for more than 24 hours, in addition to notifying any contact person designated by the student.



### Dormitories

Burgess Hall  
 Krause Hall  
 Lewis Hall  
 Scott Hall  
 Spence Hall  
 Walther Hall

### Single Family Residences

**Division Street**– 1533 E., 1541 E.  
**Delaware St.**– 1517 N., 1627 N.  
**Pythian St.**– 1630 E., 1634 E., 1644 E., 1650 E., 1660 E., 1670 E., 1710 E.,  
**Weller Ave.**– 1536 N., 1540 N.

### Duplex Residences

**Evangel Ct.**– 1508 N., 1514 N., 1520 N., 1526 N., 1534 N., 1540 N., 1546 N., 1552 N., 1554 N., 1556 N.,  
**Pythian St.**– 1716 E.

# Sexual Misconduct, Assault and Harassment Policies and Procedures

*Note: In compliance with federal law, the disclosures below reference legal terms such as “rape,” “sexual assault,” “stalking,” “domestic violence,” etc. Evangel University’s disciplinary process does not enforce criminal law. Thus, University policies use terms such as “sexual misconduct,” “non-consensual sexual intercourse,” “non-consensual sexual contact,” “sexual exploitation,” and “sexual harassment” that overlap significantly with legal definitions, but are policy-based not criminal in nature. Additionally, domestic violence, dating violence, and stalking can also be violations of the University’s Sexual Misconduct, Discrimination, and Harassment Policy, when motivated in whole or in part by the sex or gender of the alleged reporting party. University policy regarding sexual misconduct is located in the Evangel Student Handbook .*

## Evangel University Policy Regarding Sexual Misconduct and Missouri Legal Definitions:

Evangel University, owned and operated by the Assemblies of God, is committed to respecting all employees, students and guests. Sexual harassment offenses are incompatible with Evangel’s standards of Christian conduct, are criminal acts that infringe on the rights of others, and are strictly prohibited by the University. The core purpose of this policy is the prohibition of sexual harassment and retaliation. Title IX applies to sexual harassment that occurs on campus or in a university program/activity. Title IX does not apply to sexual harassment that occurs off-campus, in a private setting, and that is not part of the institution’s education program or activity, or is outside of the United States. In cases where Title IX does not apply, the university may adjudicate complaints based on established disciplinary procedures. This policy is applicable to all University employees, students, or visitors to the University, as well as anyone participating in a University sponsored activity.

The university is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, free from sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment

to promoting the goals of fairness and equity in all aspects of the educational program or activity, Evangel has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation sexual harassment or retaliation. The university values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

We encourage individuals to report sexual harassment to the university, as well as to appropriate law enforcement officials, so that we may care well for our community members. Contact the Title IX Coordinator, Deputy Coordinator, or Office of Public Safety to report any sexual harassment offenses. This community includes, but is not limited to, students, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers.

### Legal Definitions:

Sex-based violence includes, but is not limited to dating violence, domestic violence, sexual assault (nonconsensual sexual contact, nonconsensual sexual intercourse), sexual exploitation, and stalking, as defined by the 2013 Violence Against Women Act and Missouri Statutes 565 and 566. It is important to remember that the use of alcohol and/or other drugs will never function to excuse any behavior that violates this policy.

### Sexual Assault

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Title IX regulations have adopted the following types of sexual assault (consistent with Clery Act reporting):

**Rape:** Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. The State of Missouri classifies the crime of rape under statutes Rape in

# Sexual Misconduct, Assault and Harassment Policies and Procedures

the first degree and Rape in the second degree. (RSMO 566.030 and 566.031).

**Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. The state of Missouri classifies fondling under the Sexual Abuse statutes (RSMo 566.100 and 566.101)

**Incest :** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape :** Sexual intercourse with a person who is under the statutory age of consent.

A person commits the offense of rape in the first degree if he or she has sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. The offense of rape in the first degree or an attempt to commit rape in the first degree is a felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years, unless:

(1)The offense is an aggravated sexual offense, in which case the authorized term of imprisonment is life imprisonment or a term of years not less than fifteen years;

(2)The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section;

(3)The victim is a child less than twelve years of age, in which case the required term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than thirty years of such sentence or unless the offender has reached the age of seventy-five years and has served at least fifteen years of such sentence, unless such rape in the first degree is described under subdivision (4) of this subsection; or

(4)The victim is a child less than twelve years of age and such rape in the first degree or attempt to commit rape in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of rape in the first degree or attempt to commit rape in the first degree when the victim is less than twelve years of age, and "**life imprisonment**" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4.No person found guilty of rape in the first degree or an attempt to commit rape in the first degree shall be granted a suspended imposition of sentence or suspended execution of sentence.

## Sexual Harassment:

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and State of Missouri regard Sexual Harassment as an unlawful discriminatory practice. Further information concerning legal descriptions and statutes of sex offenses, according to Missouri law, can be found in [Appendix 1](#). Sexual harassment, as an umbrella category, includes quid pro quo harassment, hostile environment harassment, sexual assault, domestic violence, dating violence, and stalking.

# Sexual Misconduct, Assault and Harassment Policies and Procedures

## Quid Pro Quo Harassment

Unwelcome conduct of an employee of the university, who conditions the provision of an aid, benefit, or service of the university (implicitly or explicitly), on an individual's participation in unwelcome sexual conduct.

## Hostile Environment Harassment

Unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to university education program or activity.

- a) The explicit or implicit solicitation or use of sexual favors as a basis for actions affecting an individual's welfare, grades or advancement as a student or employee.
- b) Repeated sexual advances, requests for sexual favors and physical contacts of a sexual nature which impedes another's work or academic performance.
- c) Repeated demeaning verbal or visually expressive behavior of a sexual nature, which creates a hostile work, learning or living environment.
- d) Unwelcome sexual conduct resulting in the acceptance of such conduct becoming a term or condition of an individual's academic standing, continued employment, or employment advancement.

## Consent :

The term consent is defined as an unambiguous and willful participation or cooperation in an act or as an attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior sexual history between the complainant and respondent does not constitute consent. Consent is not freely given if one of the following applies:

- a) The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited

to predatory drugs or prescribed medications); or

b) The individual is unconscious, asleep, or suffering from shock; or

c) The individual is under the age of seventeen and therefore legally unable to give consent; or

d) Individual has a known mental disorder/developmental or physical disability, and is therefore legally unable to give consent.

"No" means "No"; "No" can be expressed or implied, it does not have to be spoken.

"Yes" means "No" if conditions a, b, c, or d listed above exist.

In Missouri statute 556.061.2 consent is defined as:

"Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

- a. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
- b. It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- c. It is induced by force, duress or deception.

## Domestic Violence / Dating Violence:

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common; by a person cohabitating with or has co-habitated with the victim as a spouse or intimate partner; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Missouri.

Dating Violence: Means violence committed by a person—

- (a) who is or has been in a social relationship of a romantic

# Sexual Misconduct, Assault and Harassment Policies and Procedures

or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the victim's statement and the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Missouri Statutes that deal with domestic/dating violence fall under the Domestic Assault statutes.**

## **Domestic assault, first degree—penalty:**

RSMo 565.072.

1. A person commits the crime of domestic assault in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a family or household member, including any child who is a member of the family or household, as defined in section 455.010.

2. Domestic assault in the first degree is a class B felony unless in the course thereof the actor inflicts serious physical injury on the victim or has previously pleaded guilty to or been found guilty of committing this crime, in which case it is a class A felony.

## **Domestic assault, second degree—penalty:**

RSMo 565.073

A person commits the crime of domestic assault in the second degree if the act involves a family or household member, including any child who is a member of the family or household, as defined in section 455.010, and he or she:

(1) Attempts to cause or knowingly causes physical injury to such family or household member by any means, includ-

ing but not limited to, by use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. Domestic assault in the second degree is a class C felony.

## **Domestic assault, third degree—penalty:**

RSMo 565.074

A person commits the crime of domestic assault in the third degree if the act involves a family or household member, including any child who is a member of the family or household, as defined in section 455.010 and:

(1) The person attempts to cause or recklessly causes physical injury to such family or household member; or

(2) With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or

(3) The person purposely places such family or household member in apprehension of immediate physical injury by any means; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

(5) The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

(6) The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

- Except as provided in subsection 3 of this section, domestic assault in the third degree is a class A misdemeanor.

# Sexual Misconduct, Assault and Harassment Policies and Procedures

- A person who has pleaded guilty to or been found guilty of the crime of domestic assault in the third degree more than two times against any family or household member as defined in section 455.010, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be a violation of this section, is guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault. The offenses described in this subsection may be against the same family or household member or against different family or household

Definition of "Family" or "household member". Spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time

Both Dating Violence and Domestic Violence are defined in 42 U.S.C. 13925(a) as follows:

## **Domestic Violence:**

A felony or misdemeanor crime of violence committed--

- (i) By a current or former spouse or intimate partner of the victim;
- (ii) By a person with whom the victim shares a child in common;
- (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

- (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

## **Stalking:**

Section 40002(a) of the Violence Against Women Act of 1994 defines "stalking" to mean "engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress."

In the Violence Against Women Act the following terms are defined:

•**Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

•**Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

•**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In Missouri Law Stalking is defined as: A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

In Missouri Stalking is covered in Statute 565.225, "Crime of Stalking" listed below.

## **Crime of stalking definitions and penalties:**

RSMo 565.225



# Sexual Misconduct, Assault and Harassment Policies and Procedures

As used in this section, the following terms shall mean:

(1) "**Course of conduct**", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;

(2) "**Credible threat**", a threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in section 276.606 kept at such person's residence or on such person's property;

(3) "**Harasses**", to engage in a course of conduct directed at a specific person that serves no legitimate purpose that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

## **Crime of Stalking:**

A person commits the crime of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.

3. A person commits the crime of aggravated stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person, and:

(1) Makes a credible threat; or

(2) At least one of the acts constituting the course of conduct is in violation of an order of protection and the person has received actual notice of such order; or

(3) At least one of the actions constituting the course of conduct is in violation of a condition of probation, parole, pretrial release, or release on bond pending appeal; or

(4) At any time during the course of conduct, the other person is seventeen years of age or younger and the person harassing

the other person is twenty-one years of age or older; or

(5) He or she has previously pleaded guilty to or been found guilty of domestic assault, violation of an order of protection, or any other crime where the other person was the victim.

4. The crime of stalking shall be a class A misdemeanor unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, in which case stalking shall be a class D felony.

5. The crime of aggravated stalking shall be a class D felony unless the person has previously pleaded guilty to or been found guilty of a violation of this section, or of any offense committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which, if committed in this state, would be chargeable or indictable as a violation of any offense listed in this section, aggravated stalking shall be a class C felony.

6. Any law enforcement officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this section.

7. This section shall not apply to activities of federal, state, county, or municipal law enforcement officers conducting investigations of violation of federal, state, county, or municipal law.

## **Prevention of Sexual Assault:**

Periodically throughout the school year the Department of Public Safety conducts a Sexual Harassment And Rape Prevention (SHARP) campaign. The SHARP program aims to enable individuals to protect themselves through preventing attacks and learning techniques for escape in the event of an attack. It provides valuable information about how to avoid confrontation and how to best defend oneself if physically attacked or confronted.

All faculty, staff and students are encouraged to take the prevention training program, "HAVEN" offered free of charge to all community members.

# Sexual Misconduct, Assault and Harassment Policies and Procedures

## Reporting Sexual Assault, Domestic Violence, Dating Violence or Stalking:

To students assistance is available 24 hours a day through the entire year by calling the Evangel University Department of Public Safety at (417) 865- 2815 extension 7000. The Department of Public Safety personnel will offer assistance in reporting the crime and in providing information for counseling support and medical treatment. Victims will be provided with written copies of their rights, options and services available regardless of if the offense occurred on or off campus.

Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at [Public Safety - Evangel University](#). Note that these anonymous reports may prompt a need for the institution to investigate. Phone calls or in-person reports may be made to the Office of Public Safety (417-575-8911), Riggs Hall, Suite 208) at any time day or night.

Inquiries concerning the application of Title IX also may be referred to the United States Department of Education's Office for Civil Rights.

The State of Missouri regional Office of Civil Rights is located in Kansas City and is available to provide assistance.

Office for Civil Rights, U.S. Department of Education  
One Petticoat Lane  
1010 Walnut, 3rd Floor, Suite 320  
Kansas City, MO 64106  
Telephone: 816-268-0550; FAX: 816-268-0599; TDD: 800-877-8339  
Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

## Department of Public Safety Response to a Report of Sexual Assault, Domestic Violence, Dating Violence or Stalking:

**Assessment of Danger:** Upon receiving a call, the Public

Safety Officer will determine if the survivor or others are in immediate danger, the survivor's name or other means by which the survivor can be identified, nature of the offense, and present location and phone number where the survivor may be reached.

**Immediate Danger.** If the Officer believes that there is an immediate danger to the caller, the Springfield Police Department and the Director of Public Safety will be notified. When the immediate danger is past, the help of a Crisis Counselor will be offered.

**No Immediate Danger.** When there is no indication of immediate danger, the officer will encourage the victim to accept the help of a Crisis Counselor, who has been trained to provide such assistance. The Shift Supervisor will be contacted and assume charge of the situation.

**Preservation of evidence.** Once there is no immediate danger the officer will advise the survivor of the importance of preserving evidence to prove any criminal case of domestic violence, dating violence, and sexual assault or stalking, of if needed to obtain a protective order.

**Medical Assistance:** The officer shall encourage the survivor to seek medical treatment or examination, if needed, and offer to arrange transportation to a local hospital. Should the survivor desire counseling, the officer will offer to make the necessary arrangements outlined below.

**Rape Kit.** If the sexual assault involved sexual intercourse, the officer will inform the survivor about the importance of the Rape Kit (if the sexual intercourse occurred within the last 72 hours) in order to preserve evidence. The officer should instruct the survivor to not wash, shower, douche, or change (destroy or clean) the clothes worn at the time of the assault. Not washing or changing clothes is important in order to preserve evidence.

**Support and Safety** Should the survivor require medical examination, University personnel can remain outside

# Sexual Misconduct, Assault and Harassment Policies and Procedures

the examination or treatment room during the examination or treatment and then return the survivor to his or her residence or, if necessary, to a safe place other than the survivor's residence.

**Crisis Counseling Assistance:** The officer shall encourage the survivor to access support services from those specially trained to assist survivors of sexual assault, domestic violence, dating violence or stalking.

On Campus--Wellness Center Counseling Services

Off Campus—Victim Center at 417-864-SAFE (7223)

**Consent for Help:** If the survivor consents to talk with a counselor, the officer will immediately seek to contact the counselor for immediate assistance. The officer then will contact the survivor to provide the name of the proposed counselor. The victim then may ask for a different counselor if the proposed counselor is known to the survivor and unacceptable for any reason. In such an event, the officer will request another counselor who is available and then repeat the identification process. When no proposed counselor is approved by the victim, the officer will immediately call the Victim Center.

**Refusal of Help:** If the victim declines to talk with a counselor, any information obtained by the officer will be reported to the Vice President for Student Development.

## Information

The officer will provide the survivor with the following information, including telephone numbers for the referral sources:

- The survivor's right to anonymity
- The University's willingness to appoint a person to serve as the survivor's liaison with school officials and other parties, including service as the survivor's advisor in any disciplinary proceeding against the alleged

offender;

- The availability of medical treatment, counseling services, and other resources;
- The procedure for reporting the incident to the Department of Public Safety, the Springfield Police Department, or other appropriate law enforcement agencies; and that the survivor can decline to report to these agencies if they wish.
- The University's willingness to assist in contacting the appropriate outside law enforcement agency if requested by the survivor; survivor has the right to decline to report the incident to law enforcement if they wish.
- The University procedures for disciplinary action against students found guilty of sexual assault, domestic violence, dating violence or stalking and;
- The availability of local attorneys for legal counsel.

**Sexual Assault, Domestic Violence, Dating Violence, Sexual Harassment and Stalking Reporting:** The officer shall take appropriate steps for the completion of a report in cooperation with the expressed wishes of the survivor.

- **Police Report Filed:** If the survivor chooses to file a Springfield Police Department report, then the officer will assist the survivor in contacting the Springfield Police Department and will also complete a brief report for statistical records.
- **No Police Report Filed:** If the survivor decides to not file a report with the Springfield Police Department, then, as soon as possible, the officer will interview the survivor in an area free from distractions and complete an Evangel University Incident Report containing the following:
  - ◇ **Survivor's Statement:** The officer will record the survivor's account of the offender's action and any relevant background information.
  - ◇ **Other Information:** The officer will also seek

# Sexual Misconduct, Assault and Harassment Policies and Procedures

and identify in the report as much potential corroborating information as possible

**Incident Report Options:** The officer will provide information to the survivor concerning the options for reporting the alleged offense and will use one of the following three formats selected by the survivor. Absent special circumstances the officer will encourage the survivor to choose the third option (a formal complaint).

- **Anonymous Report:** The report will not include the name of the survivor or other information about the victim's identity. The report will be used solely for information to enhance prevention programs and to prepare statistical records. The report will be signed by the officer, who will verify that the survivor has requested that no further investigation or action be undertaken.
- **Signed Report:** The report will include the name of the survivor, but will be used solely for information to enhance prevention programs and to prepare statistical records. The report will be signed by the survivor and will verify that the he or she has requested that no further investigation or action be undertaken.
- **Formal Report:** The report will be signed by the survivor and will request further investigation and appropriate disciplinary action. If a police report was filed the survivor will provide the university a copy of the report.

**Confidentiality:** Regardless of the type of report, the name of the survivor and other information about the victim's identity will be kept confidential by the officer and other University employees to the extent possible. Personally Identifying Information (PII) will not be disclosed that could identify a survivor as part of the normal annual Clery crime reporting process.

**Filing of Report:** Promptly after the completion of a report, the officer will deliver the original copy of the report to the Director of Public Safety. Upon receipt of

a report, if the Director of Public Safety determines there is a safety threat to the community, the survivor will be consulted and an appropriate timely warning will be issued to the community.

University Response to Reported Sexual Assault, Domestic Violence, Dating Violence, Sexual Harassment and Stalking and subsequent proceedings. Evangel University is committed to a prompt, fair and impartial investigation of any allegation of sexual assault, domestic violence, dating violence, and sexual harassment or stalking.

The university encourages victims of sex-based offenses, or third-party witnesses, to report the incident to the Title IX Coordinator, deputy coordinator, Office of Public Safety, and/or appropriate law enforcement officials (if desired). We will take appropriate action when informed of an allegation.

When an employee (mandated reporter) is informed of an incident, he or she must report the allegation to the Title IX Coordinator or Deputy Coordinator, who will initiate a Title IX inquiry. The preliminary inquiry is to determine if there is reasonable cause to believe an offense has occurred. When reasonable cause is identified, the university will initiate an investigation that is thorough, reliable, impartial, prompt and fair to both parties. This investigation determines whether the university's Sex-Based Offenses Policy has been violated. If so, the university will promptly implement an effective remedy designed to end the conduct, prevent its recurrence and address its effects. The university aims to bring all allegations to a resolution within a sixty (60) business day time period, which can be extended for appropriate cause by the Title IX Coordinator with notice to the parties.

To provide support, the reporting party and responding party may have an advisor present during reporting, investigative, and resolution procedures.

Additionally, anonymous reports can be made by victims and/or third parties using online reporting

# Sexual Misconduct, Assault and Harassment Policies and Procedures

posted at <https://www.evangel.edu/life-at-evangel-home/student-safety-health-and-well-being-organization/security/>. Anonymous reports may prompt a need for the institution to investigate; however, the university may be limited in the investigation and outcome of such reports.

An individual reporting a sex-based offense (reporting party) has the right to:

- \* Investigation and appropriate resolution of all credible reports or notice of sex-based offenses made in good faith to university officials;
- \* Notification in advance, when possible, of any public release of information regarding incident;
- \* Have no personally identifiable information released
- \* Respectful treatment by university officials;
- \* Be fully informed and have university policies/procedures followed without material deviation;
- \* Formal resolution of any reported misconduct involving violence;
- \* Support from university officials in reporting sex-based offenses;
- \* Be informed of options to notify law enforcement authorities (and for assistance by campus authorities to notify such authorities), or to not to report, if desired;
- \* Notification of services (counseling, advisory, health, assistance, etc.—on or off campus);
- \* Notification of possible interim measures to redress violence, such as: a change in campus housing; work assignment rescheduling; academic accommodations, no contact order;
- \* Maintain interim measures for as long as is necessary, and to remain as confidential as possible;
- \* Ask investigator to question relevant witnesses and be aware of witnesses questioned, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (excludes name of

the alleged victim/reporting party, who is always revealed);

- \* Review the investigative summary regarding the allegation, subject to the privacy limitations imposed by state and federal law, prior to findings;
- \* Not have irrelevant prior sexual history admitted as evidence in a campus hearing;
- \* Regular updates on the status of the investigation and/or resolution;
- \* Have report heard by Title IX officers who have received annual sex-based offenses training;
- \* Preservation of privacy, to the extent possible and permitted by law;
- \* Meetings and interviews that are closed to the public;
- \* Bring an advisor of the reporting party's choosing to all phases of investigation and resolution;
- \* Make or provide an impact statement in person or in writing to be included in the investigation summary following any determination of responsibility, but prior to sanctioning;
- \* Be informed of outcome of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 7 business days of the end of the process;
- \* Be informed in writing: when a decision of the university is final; any changes to a sanction (in case of appeal); appeal a finding/sanction of resolution process, and procedures for doing so.

The individual accused of a sex-based offense (responding party) has the right to:

- \* Investigation and appropriate resolution of all credible reports of sex-based offenses made in good faith to university officials;
- \* Notification in advance, when possible, of any public release of information regarding report.
- \* Respectful treatment by university officials;

# Sexual Misconduct, Assault and Harassment Policies and Procedures

- Be fully informed of the nature of the reported violation and possible sanctions, policies and procedures of the campus resolution process, and timely written notice of all alleged violations.
- A decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- Be informed of outcome of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 7 business days of the end of the process;
- Be informed in writing: when a decision of the university is final; any changes to a sanction (in case of appeal); appeal a finding/sanction of resolution process, and procedures for doing so.

## **Investigative Process:**

The university utilizes a civil rights single investigator model, not a hearing panel, to resolve allegations of sex-based offenses. The process is intended to be equitable for all parties involved. If, at any time, it is determined that

“reasonable cause” does not exist to move forward in the process, the case will be closed. In general, the parties can expect the following:

1. Initial report. Can be received by any employee and will be forwarded to a Title IX officer (Coordinator or Deputy Coordinator) to identify any necessary interim measures.

2. Preliminary inquiry and finding. Title IX Coordinator assigns Deputy Coordinator (if not already done) to contact reporting party (typically 1-3 days in duration), review the conflict and determine if there is reasonable cause to proceed. Based on the preliminary finding, deputy coordinator may initiate an informal resolution or may ask for an investigator to be appointed.

3. Informal Resolution. For allegations that do not involve sexual violence, the Deputy Coordinator may facilitate conversations among the reporting party and the responding party to try and resolve the conflict, if both parties are willing. If informal resolution fails, is not appropriate, or if an allegation involves sexual violence, an investigator is appointed.

4. Formal investigation. Investigator meets with all parties (ranges from days to weeks, depending on complexity of allegations, typically 10-14 days). The reporting party and responding party are regularly apprised of the status of the investigation as it unfolds.

5. Investigation summary. The investigator will document statements from reporting party, responding party, and any applicable witnesses to produce a timeline of the evidence. Both parties will have opportunity to review the summary and add additional information or clarification.

# Sexual Misconduct, Assault and Harassment Policies and Procedures

5. Formal Resolution. After input from both parties, the investigator will finalize the investigative summary, make a determination as to preponderance of the evidence, and forward it to the deputy coordinator (typically completed 10- 14 days from the end of the investigation barring necessary extensions).
6. Finding/Sanction. Deputy coordinator (and/or designees) determines appropriate sanctions according to the policy, will share the findings and explain sanctions to both parties at approximately the same time in writing, typically within 7 days.
7. Appeal, if desired. Appeals may be requested, within a three-day window to file once a formal determination is reached, a three-day window to grant or deny the appeal request, and another 7- 10 days for a final resolution to be reached.

## Findings and Sanctions:

The Title IX Deputy Coordinator (and applicable designees) will review the investigative report with finding based on the standard of proof, preponderance of the evidence, to determine appropriate sanctions, consistent with university policy, and will share the findings/sanctions with the Title IX Coordinator, and the responding and reporting parties (and advisor/s), typically within seven days. Both parties will receive written notification of the outcome, to the extent permitted by or mandated by law. In cases involving sex-based violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications. It also explains appeals options and procedures for appeal, as well as any changes to the results that could occur before the appeal decision is finalized.

## Appeals:

Sanctions imposed from the formal resolution process can be appealed by any party according to grounds, below.

All sanctions imposed will be in effect during an appeal unless a specific request is made to the Title IX Coordinator (or designee) to delay implementation, but the presumptive stance is that sanctions will go into effect immediately.

Graduation, study abroad, internships, conferences, etc. do NOT in and of themselves constitute exigent circumstances, and individuals may not be able to participate in those activities during their appeal. In cases where an appeal results in resumption of privileges or reinstatement to the university, all reasonable attempts will be made to restore the individual to his/her prior status, recognizing that some opportunities lost may be irreparable.

All parties may seek review of a decision in a sex-based offense case by making an appeal to the appropriate appeals officer.

- For students: the appeals officer is the Vice President for Student Development.
- For staff: the appeals officer is the Vice President for Business and Finance.
- For faculty: the appeals officer is the Vice President for Academic Affairs.

## Grounds for appeal.

a) A procedural [or substantive] error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);

# Sexual Misconduct, Assault and Harassment Policies and Procedures

b) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and/or

c) The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

## Criteria for Appeal

- Appeals must be in writing and submitted to the Office of Student Development (Title IX Coordinator) for processing, during regular business hours (Monday - Friday, 8 a.m. to 4:30 p.m.) within three (3) business days of the decision. After this time, the decision is final.
- Clear error or compelling justification must be shown, as findings/sanctions are presumed to have been decided reasonably and appropriately during the original hearing. It is not enough to simply assert one of the grounds for appeal. The written appeal must provide information that specifically supports grounds upon which the individual bases the appeal. If an appeal does not contain sufficient information to support the grounds upon which the appeal is based, review of the appeal will be denied.
- Only one request for an appeal may be submitted by either party.

Based on written requests/responses or on interviews as necessary, the appeals officer will send a letter of outcome for the appeal to all parties. In response to a request, the appeals officer can take one of three possible actions:

- 1) the officer may dismiss an appeal request as untimely or ineligible,
- 2) grant an appeal and remand the finding and/or sanction for further investigation or reconsideration at the hearing level, or
- 3) modify a sanction.

A written decision concerning the appeal will be provided in person and/or mailed to the mailing address of the re-

spective party as indicated in university records and emailed to the parties' university-issued email accounts. Once received in person, mailed or emailed, the notice of decision will be deemed presumptively delivered.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the allegation (*de novo*). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- An appeal is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions.
- The appeals officer will typically render a written decision on the appeal to all parties within five (5) business days from hearing of the appeal. The appeals officer decision to deny an appeal request is final.

## Sex Offender Registry

In accordance with the *Campus Sex Crimes Prevention Act of 2000*, which amends the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act*, the *Jeanne Clery Act*, and the *Family Educational Rights and Privacy Act of 1974*, the Evangel University Department of Public Safety provides a link to publicly accessible Internet web sites containing the [Missouri Sex](#)



# Sexual Misconduct, Assault and Harassment Policies and Procedures

[Offender Registry](#) maintained by the Missouri Highway Patrol. This law also requires sex offenders, who already are required to register in a state, to provide notice of each institution of higher education in that state at which the person is employed or enrolled as a student.

Individuals included on the web site are included solely by virtue of their conviction record and Missouri state law. The primary purpose of providing this information is to make the information easily available and accessible, not to warn about any specific individual. Anyone who uses this information to commit a criminal act against another person is subject to criminal prosecution.

Follow the link below to access the *Missouri Sex Offender Registry* website.

<http://www.mshp.dps.mo.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

## Preventing sexual violence through empowering campus bystanders:

A promising approach to preventing interpersonal violence is to teach and encourage bystanders to intervene with peers and support potential or actual victims. A “bystander” is a friend, classmate, teammate, coworker, teacher, family member, or stranger who is aware of or observes situations and interactions that could lead to sexual harassment, intimidation, coercion, or assault. The purpose of bystander intervention education is to increase awareness and understanding of the problem, increase feelings of responsibility to solve this problem, increase commitment to act, and to empower people to act both individually and collectively. By fostering a sense of caring and community, campus cultures can be transformed and become safer. Everyone in the campus community has a role to play, including professors, administrators, healthcare professionals, student leaders, graduate assistants, clerical staff, etc.

Student behavior is greatly determined by prevailing cultural and social norms governing sexual attitudes and behaviors in society.

## Bystander intervention key components:

- Role modeling
- Entire campus community has a stake
- Support bystander intervention on campus
- Teach skills to is crucial intervene
- Obtain commitment to intervene
- Teach how to interrupt a possible sexual assault
- Reduce defensiveness to the message

Bystander interventions include a full range of options and levels of action, from speaking to a resident assistant about an encounter in a residence hall to calling the police. Interventions can occur with friends, acquaintances, and strangers...professors, [crisis] hotline staff, counselors, roommates, and others. Some interventions are best done by a group of friends and others are more effective in private, side conversations. Staying safe is always emphasized and balanced with keeping others safe. When people feel seriously threatened, authorities such as campus Security should be called.

## Information for crime victims about disciplinary hearings

Evangel University, upon written request, discloses to the alleged victim of any crime of violence, or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense.

If the alleged victim is deceased because of the crime or offense, the information shall be provided, upon request, to the next of kin of the alleged victim.

# Alcohol and Drug Policy

## Alcohol and Drug Policy

Maintaining our personal health and mental well-being is an essential part of our commitment at Evangel University to serve Christ. As a demonstration of that commitment, we expect students and employees, while on or off University property, to refrain from alcohol/drug use. The possession, use, manufacture, sale, and/or distribution of the following is prohibited:

- illegal drugs (also includes any form of marijuana containing THC\*\*);
- synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products which, when consumed mimic the effects of cannabis);
- drug paraphernalia;
- alcoholic beverages (including alcohol vaporizer);
- tobacco products and/or e-cigarettes (and all inhaled handheld nicotine devices and any object resembling vaping pen products).

Further, students are to avoid the misuse of prescription or nonprescription drugs. Providing, purchasing, attempting to purchase, or facilitating the purchase of alcoholic beverages/drugs is likewise prohibited. Students are considered “in possession” and responsible for alcohol/drugs that have been determined to be on their person or in their residence or vehicle. “Use” includes consumption by any means. The University reserves the right to check for compliance with this policy by various means, including active and passive alcohol sensors.

\*\*Although medical marijuana may be legal in Missouri under certain restrictions, possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the *Controlled Substances Act* and the *Drug Free Schools and Campuses Regulations [EDGAR Part 86]*, the use and/or possession of marijuana continues to be prohibited for all Evangel students on or off campus.

**Parental Notification:** Evangel is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their health, academic success, interpersonal relationships and, ultimately, their future.

Evangel University alcohol policy expressly forbids possession and/or consumption of alcohol by students and employees. This policy also applies to guests who are on campus. In accordance with the Family Educational Rights and Privacy Act (FERPA), the university reserves the right to notify the parents/guardians of students under 21 years of age, and the parents/guardians of dependent students, regardless of age, of any incident in which the student is found responsible for violating the university alcohol and drug policy.

### B. Support Services

We offer support services to students who may be struggling with drug and/or alcohol use. They can seek on-campus professional Christian counseling and/or health services at the Wellness Center (865-2815 ext. 7280) in Cantrell Student Union. Counseling support may include individual or group sessions. There is no charge for these short-term counseling and health services, and confidentiality is guarded carefully. Information is not shared with anyone without the client’s permission, unless a student is at serious risk of harming himself/herself. Students needing long-term treatment or therapy are generally referred to professionals off campus at their own expense. The campus pastor is available for pastoral counseling. Students are encouraged also to seek prayer, guidance and encouragement from members of the faculty and Student Development staff.

# Alcohol and Drug Policy

## C. Consequences for Violations of this Policy

In compliance with our community standards and those of local/state/federal laws, we advise students and employees that the following consequences will occur when the policy is violated:

1. Violations are reported to the legal authorities, when appropriate.
2. Violators will be subject to disciplinary action, as outlined in the Employee or Student Handbook, up to and including discharge for employees and dismissal for students.
3. If found to be in violation of University standards but permitted to continue as a part of the community on probationary status, the student/employee may be subject to counseling, periodic inspections, and/ or supervised, random drug tests at a medical facility over a given period of time. The student-employee will be responsible solely for costs of the drug screens and off-campus counseling.
4. Any member of the Evangel University community who refuses to take a field sobriety test, a breathalyzer test, a drug test, or provide written consent permitting Evangel University to be apprised of testing results, when asked by an Evangel Public Safety Officer for reasonable cause, shall be considered to be in violation of the University's standards.
5. Student organizations are under the same legal requirements as individuals concerning local, state, and federal laws. Any violation of these laws in conjunction with a student organization activity constitutes a violation of University policy. Violations of policy could result not only in disciplinary action against the individual(s) involved, but also in suspension or loss of University recognition of the organization.

## D. Special Obligations of Employees and the University

Employer's statement:

All University employees are notified hereby that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the University workplace and that a violation of this prohibition shall result in immediate disciplinary action up to and including discharge.

Conditions of employment:

As a condition of employment, all University employees must: (1) abide by the terms of the prohibition referred to in the preceding paragraph; and (2) notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

Employer's obligations:

Notification of agency-- The University will notify the appropriate law enforcement agency within ten (10) days after receiving notice from an employee referred to in the preceding paragraph or upon otherwise receiving actual notice of a conviction.

Responsive action-- Within 30 days of receiving notice from an employee of a criminal drug statute conviction for a violation occurring in the workplace, the University shall, with respect to any employee who is so convicted: (1) take appropriate personnel action against such an employee, up to and including termination; or (2) require such employee to participate satisfactorily in a drug abuse assistance or a rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

## E. Definitions

"University activities" are defined as those activities sponsored by a University department or recognized student organization.

"University property" is defined as University-owned or leased grounds, facilities, or vehicles.

# Alcohol and Drug Policy

## F. Description of Local, State and Federal Legal Sanctions

Local sanctions--Springfield City Code prohibits the following alcohol-related offenses:

Possession by persons under 21 years of age of any beer, wine or intoxicating liquor. Section 10-4 of the Springfield City Code.

Open containers of alcoholic beverages in motor vehicles within the passenger compartment of any motor vehicle that is being operated upon a public way. Section 10-8 of the Springfield City Code.

Possession, sale or consumption of alcoholic beverages in certain public places. No person may sell, give away, purchase or dispense any intoxicating liquors on public streets or alleyways, nor may any person sell, dispense, give away, offer to sell or possess or consume any alcoholic beverage in any city park. No person shall sell, purchase, dispense or possess any alcoholic beverages on school property, on the Downtown Pedestrian Shopping Mall or in Ozark Jubilee Park or Courthouses. Section 78-4 of the Springfield City Code.

Consumption or possession of alcoholic beverages. No person may possess or consume any alcoholic beverage on any business premise except those licensed by the city to sell alcoholic beverages. Section 78-189 of the Springfield City Code.

Each of the above offenses is punishable by a fine of up to \$1,000 or imprisonment up to 180 days, or both fine and imprisonment. Sections 1-7 of the Springfield City Code.

State sanctions--Missouri statutes prohibit the following acts:

### *Missouri Liquor Laws:*

The Liquor Control Law for the State of Missouri (311 RSMo.) provides that any person under the age of 21 years who purchases, attempts to purchase or has in his/ her possession any intoxicating liquor is guilty of a misdemeanor (311.325 RSMo). Anyone who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one years is guilty of a misdemeanor (311.310 RSMo). Anyone 17 - 20 years old that uses a fake ID to obtain alcohol is also guilty of a misdemeanor (311.320 RSMo). Under current Missouri law, a subject under the age of 21 who is visibly intoxicated can be arrested without being in physical possession of the intoxicating beverage. A person who has been convicted of a misdemeanor may be subjected to a fine ranging from \$50.00 to \$1,000.00 and/or imprisonment for up to one year (311.880 RSMo.).

### *Driving While Intoxicated (DWI) in Missouri (RSMo. 577)*

A person commits the crime of "driving while intoxicated" if he/she operates a motor vehicle while in an intoxicated or drugged condition (577.010.1 RSMo.). A person is in an "intoxicated condition" when he/she is under the influence of alcohol, a controlled substance, or drug, or any combination thereof (577.001 RSMo.). An individual is considered intoxicated with any amount of a controlled substance or other specific drugs in their system. If you are stopped by an officer of the law in Missouri, you may be subject to receive a DWI:

If you drive with a blood alcohol concentration (BAC) of **.08 or higher** (regardless of whether your driving ability was actually impaired 577.012 RSMo.); or It is determined that your driving ability is impaired (even though you may be under the .08 limit).

# Alcohol and Drug Policy

First offense is a class B misdemeanor subject to a fine up to \$500 and/or 6 months imprisonment (577.010 RSMo.). A defendant found guilty must also participate in a Substance Abuse Traffic Offender Program (SATOP) (577.049 RSMo.) Multiple offenses offense range from a class A misdemeanor (a fine up to \$1,000 and/or 1 year imprisonment) up to class B felony (15 years in prison 577.023 RSMo.). After multiple offenses Missouri law typically requires a driver to install an ignition interlock device on a vehicle after reinstatement of a driver's license for 6 months (577.600 RSMo.).

## ***Refusal to Take Blood Alcohol Test***

Missouri law specifies that if you are driving a vehicle, you have given consent to submit to a chemical test for the purpose of determining the amount of alcohol in your blood (577.020 RSMo.). Refusal to take a test could result in the suspension of your license for one year (577.041 RSMo.).

## ***Missouri Abuse and Lose Law (Drivers Under 21)***

In Missouri, the BAC limit for drivers who are under 21 is .02. Penalties include suspension of license 90 days (first offense); 1 year (any subsequent offense). The Abuse and Lose Law also includes the possession or use of alcohol and or drugs while driving or using a fake ID (see 577.500 & 577.525 RSMo. for more info.). (Alcohol & Drug Statute Review 2013, Revised: March 16, 2015)

***Missouri Administrative Sanctions*** (RSMo. 302 specifically 302.500 – 302.540 )

Individuals arrested for driving while intoxicated, driving with a blood alcohol content of .08 or higher, or driving under the influence of drugs (DUID) are processed administratively as well as criminally (302.505 RSMo.). A driver license is suspended or revoked for 90 days for the first offense. A driver convicted of a second alcohol or drug-related offense, regardless of the length of time between convictions, will normally receive a 1-year revocation for accumulation of points. A driver convicted a second time for an alcohol or drug-related offense within a five-year period may also receive a 5-year license denial (302.525 RSMo.). A driver convicted 3 or more times for an alcohol or drug related offense will receive a 10-year license denial (302.060 RSMo.). The license reinstatement process will include a SATOP along with other requirements prior to reinstatement (302.540, 302.304, & 302.541 RSMo.). (See the Missouri Department of Revenue's DWI website for more information on revocations, suspensions and multiple offenses).

## ***Missouri Drug Laws:***

The manufacturing, possessing, sale, distribution and use of illicit drugs (i.e. controlled substance or imitation controlled substance) are prohibited by state law (195 RSMo). Penalties for first time offenses for a drug possession violation can range from a fine of \$1,000 to life imprisonment. Other prohibited acts include possession with intent to use drug paraphernalia and advertising the sale of drug paraphernalia . The following table gives information on penalties and fines for specific drug crimes in Missouri (see 195.010 RSMo for definitions and 195.017 RSMo for the scheduling information of controlled substances).

# Alcohol and Drug Policy

## RSMo 558.001 Sentence of imprisonment terms

Class	Prison Term
Class A Felony	not less than ten years and not to exceed thirty years, or life imprisonment
Class B Felony	not less than five years and not to exceed fifteen years
Class C Felony	not less than three years and not to exceed ten years
Class D Felony	a term of years not to exceed seven years
Class E Felony	a term of years not to exceed four years
Class A Misdemeanor	a term not to exceed one year
Class B Misdemeanor	a term not to exceed six months
Class C Misdemeanor	a term not to exceed fifteen days

## Missouri drug crimes and penalties

Missouri drug crimes and penalties		
Statute Number	Offense	Penalty
579.015	Possession or Control of a controlled substance	Class D felony or class A or D misdemeanor
579.020	Delivery of a controlled substance	Class B, C, or E felony
579.030	Distribution of a controlled substance in a protected location	Class A felony
579.040	Unlawful distribution, delivery, or sale of drug paraphernalia	Class E felony
579.045	Fraudulently attempting to obtain a controlled substance	Class E felony
579.050	Manufacture of an imitation controlled substance	Class E felony
579.055	Manufacture of a controlled substance	Class E or C felony
579.060	Unlawful sale, distribution, or purchase of over the counter, methamphetamine, precursor drugs	Class A misdemeanor
579.065	Trafficking drugs, first degree	Class A or B felony
579.068	Trafficking drugs, second degree	Class C or B felony
579.070	Creating a danger	Class C felony
579.072	Furnishing materials for production of a controlled substance	Class E felony
579.074	Unlawful possession of drug paraphernalia	Class D misdemeanor or Class E felony
579.076	Unlawful manufacture of drug paraphernalia	Class A misdemeanor
579.078	Possession of an imitation controlled substance	Class A misdemeanor
579.080	Delivery of an imitation controlled substance	Class E felony
579.082	Marketing of ephedrine or pseudoephedrine	Class E felony
579.084	Distribution of controlled substance in violation of registration requirements	Class E felony or Class A misdemeanor
579.086	Unlawful delivery of controlled substance by manufacturer or distributor	Class E felony

# Alcohol and Drug Policy

Federal sanctions--United States Code prohibits the following acts:

**Alcohol offenses:** Legal sanctions for the unlawful possession or distribution of alcohol are found primarily in state and local law.

**Illegal drug offenses:**

- (1) Simple possession. It is illegal for any person to knowingly or intentionally possess a controlled substance unless obtained by a valid prescription. 21 U.S.C. ~844.
- (2) Violations of this section are punishable by imprisonment for up to 1 year, a minimum fine of \$1,000, or both. After a prior conviction for any drug offense, the violator shall be imprisoned for a term of at least 15 days and not more than 2 years and fined a minimum of \$2,500. A third conviction carries a penalty of imprisonment for at least 90 days but no more than 3 years and a minimum fine of \$5,000. A person convicted under this subsection for the possession of a mixture or substance which contains cocaine base shall be imprisoned not less than 5 years and not more than 20 years, and fined a minimum of \$1,000, if the conviction is a first conviction under this subsection and the amount of the mixture or substance exceeds 5 grams.
- (3) Where a person at least 18 years of age distributes a controlled substance to any person under 21 years of age, or where a person possesses with intent to distribute, distributes or manufactures a controlled substance in or on, or within 1000 feet of a public or private elementary, secondary, vocational or public or private college, junior college or university, or playground or housing facility owned by a public housing authority, or within 100 feet of a youth center, public swimming pool or video arcade facility, the punishment shall be twice the maximum punishment provided in 21 U.S.C. 841 , which provides in part 1, such

person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$4,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both.

- (4) Any person convicted of a drug offense under these federal laws shall forfeit to the government any property derived from or obtained directly or indirectly as a result of the violation, or any property used to commit or facilitate the violation. 21 U.S.C. ~853.
- (5) Ineligibility to receive or purchase a firearm. 18 U.S.C. ~922(g).
- (6) Miscellaneous: Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, are vested within the authority of individual federal agencies.

# Alcohol and Drug Health Risk

## Health Risks Associated with Use of Illegal Drugs; Abuse of Alcohol/ Drugs

Description of Health Risks obtained from the National Institute on Drug Abuse, updated August 2016 (<http://www.drugabuse.gov>)

### 1. Alcohol:

- a. Ethyl alcohol or ethanol is the intoxicating ingredient in beer, wine, and liquor. Alcohol consumption causes a number of marked changes in behavior. A central nervous system depressant, it is rapidly absorbed from the stomach and small intestine into the bloodstream. Alcohol affects every organ of the drinker's body, impairing brain function and motor skills. Even low doses significantly impair the judgment and coordination required to drive a car safely. Low to moderate doses of alcohol increases the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.
- b. Repeated abuse of alcohol can lead to dependence and sudden cessation can produce withdrawal symptoms: severe anxiety, tremors, hallucinations, convulsions. Alcohol withdrawal can be life threatening. Heavy use can lead to permanent damage of vital organs such as the brain and liver, increasing risk of certain cancers, stroke, and liver disease.
- c. Infants and children develop fetal alcohol syndrome (FAS) or have other damage as a result of maternal alcohol intake during pregnancy. In severe cases, children with FAS are born with physical abnormalities and mental retardation. Central nervous system damage leading to learning problems, lack of impulse control, hyperactivity and emotional/social difficulties in children can occur with even small amounts

of maternal alcohol intake. There is no safe level of alcohol consumption during pregnancy.

### 2. Club Drugs:

Club drugs include GHB, Rohypnol, Ketamine, as well as MDMA (Ecstasy) and methamphetamine.

GHB, Rohypnol, and ketamine are central nervous system depressants which, produce intoxicating effects, and at high doses, may result in sleep, coma, seizures, or death. Ecstasy and methamphetamines are central nervous system stimulants, which can produce feelings of increased energy, distortions in sensory and time perception, and at high doses can cause liver, kidney, or cardiovascular system failure or even death

- a. **GHB**, a depressant approved in the treatment of narcolepsy, causes slowed heart rate, memory loss, and may produce seizures or coma. Repeated use may lead to severe withdrawal effects, including insomnia, anxiety, tremors, and sweating.
- b. **Rohypnol** is chemically similar to prescription sedatives such as Valium and Xanax. The drug is often known as "the date rape drug" due to its ability to sedate and incapacitate victims.
- c. **Ketamine**, a dissociative anesthetic, mostly used in veterinary practice, produces distortions and feelings of detachment. Low-dose intoxication results in impaired attention, learning ability, and memory. At higher doses, can cause dreamlike states, hallucinations, delirium, amnesia, impaired motor function, high blood pressure, and potentially fatal respiratory problems.
- d. **MDMA (Ecstasy)**, a synthetic psychoactive drug, acts as a stimulant and hallucinogen that can deplete the brain of serotonin, causing confusion, depression, sleep abnormalities, problems with attention and memory, and anxiety.
- e. **Methamphetamine** is similar in structure to amphetamine. It is highly addictive and causes emotional and cognitive problems in chronic



# Alcohol and Drug Health Risk

methamphetamine abusers. Taking even small amounts can result in many of the same physical effects as those of other stimulants, such as cocaine or amphetamines, including increased wakefulness, increased physical activity, decreased appetite, increased respiration, rapid heart rate, irregular heartbeat, increased blood pressure, and hyperthermia. Long-term methamphetamine abuse has many negative health consequences, including extreme weight loss, severe dental problems (“meth mouth”), anxiety, confusion, insomnia, mood disturbances, and violent behavior. Chronic methamphetamine abusers can also display a number of psychotic features, including paranoia, visual and auditory hallucinations, and delusions (for example, the sensation of insects crawling under the skin).

## 3. Cocaine:

- a. Cocaine (and crack, a form of cocaine processed to make a rock crystal—also called “freebase cocaine”) stimulates the central nervous system and is a powerfully addictive stimulant drug that produces potentially dangerous physical effects like raising heart rate and blood pressure. In order to sustain the “high”, users take increased dosages that leads to addiction.
- b. With repeated use, cocaine can cause long-term changes in brain functioning and can cause heart attacks, strokes, and death. Immediate effects include dilated pupils, constricted blood vessels, elevated blood pressure, heart rate, respiratory rate and body temperature. Cocaine use can cause sinus problems; severe bowel gangrene; an increased risk for contracting HIV, hepatitis C, and other blood-borne diseases; as well as death by cardiac arrest or respiratory failure.
- c. Cocaine users can experience psychological and physical dependency, as well as severe paranoia auditory hallucinations.

## 4. Fentanyl:

- a. Fentanyl is a powerful synthetic opioid analgesic similar to morphine but is 50 to 100 times more potent. It is a schedule II prescription drug, and typically used to treat patients with severe pain, to manage pain after surgery, or those with chronic pain who are physically tolerant to other opioids. In its prescription form, fentanyl is known by such names as Actiq®, Duragesic®, and Sublimaze®. Street names for fentanyl or for fentanyl-laced heroin include Apache, China Girl, China White, Dance Fever, Friend, Goodfella, Jackpot, Murder 8, TNT, and Tango and Cash.
- b. Synthetic opioids, including fentanyl, are now the most common drugs in drug overdose deaths. Fentanyl is often mixed with other drugs and very small amounts can cause an overdose. Fentanyl works by binding to the body's opioid receptors, which are found in areas of the brain that control pain and emotions.
- c. When people overdose on fentanyl, their breathing can slow or stop. This can decrease the amount of oxygen that reaches the brain, a condition called hypoxia. Hypoxia can lead to a coma and permanent brain damage, and even death.

## 5. Hallucinogens:

- a. **Phencyclidine (PCP)** interrupts the functions of the neocortex, the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. The effects of PCP vary, but users frequently report a sense of distance and estrangement. Time and body movements are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent. Chronic users of PCP report persistent memory problems and speech difficulties. Some of these effects may last 6 months to a year following prolonged daily use. Mood disorders—depression, anxiety and violent behav-

# Alcohol and Drug Health Risk

ior also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, as well as heart and lung failure.

- b. **Lysergic acid** (LSD), mescaline and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased.

## 6. Heroin:

An opioid drug that is synthesized from morphine, heroin is used in ways that deliver the drug to the brain very rapidly which causes extreme health risks and high risk for addiction. Immediate effects include dry mouth, flushed skin, feeling of heaviness in the extremities, and clouded mental function. Regular heroin use changes the functioning of the brain.

Heroin abuse is associated with a number of serious health conditions, including fatal overdose, spontaneous abortion, and infectious diseases like hepatitis C and HIV. In addition to the effects of the drug itself, street heroin often contains toxic contaminants or additives that can clog blood vessels leading to the lungs, liver, kidneys, or brain, causing permanent damage to vital organs.

## 7. Inhalants:

- a. Many common products—spray paints, markers, glues, and cleaning fluids—contain volatile substances that have psychoactive (mind-altering) properties when inhaled. Most abused inhalants depress the central nervous system in a manner not unlike alcohol, causing slurred

speech, lack of coordination, euphoria, and dizziness. Inhalant abusers may also experience light-headedness, hallucinations, and delusions. The immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds, and fatigue. Solvents and aerosol sprays decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrates cause rapid pulse, headaches and involuntary passing of urine and feces. Long-term consequences may include liver and kidney damage, hearing loss, bone marrow damage, limb spasms due to damage to myelin, brain damage, and hepatitis. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.

- b. Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops.

## 8. Marijuana (Cannabis):

- a. Marijuana refers to the dried leaves, flowers, stems, and seeds from the *Cannabis sativa* or *Cannabis indica* plant. The plant contains the mind-altering chemical THC and other similar compounds. People smoke marijuana in hand-rolled cigarettes, pipes, and blunts. To avoid inhaling smoke, some people use vaporizers. Another method of use is smoking or eating different forms of THC-rich resins. The popularity of edibles also increases the chance of harmful reactions. Edibles take longer to digest and produce a high. Therefore, people may consume more to feel the effects faster, leading to dangerous results.
- b. Legalization of marijuana for medical or adult recreation in some states has increased its use. When cannabis is smoked, THC rapidly passes from the lungs into the bloodstream, which

# Alcohol and Drug Health Risk

carries the chemical to the brain and other organs throughout the body. The body absorbs THC more slowly when the person eats or drinks it. In that case, they generally feel the effects after 30 minutes to 1 hour.

- c. Marijuana affects brain development by over-activating receptors. Several studies have linked marijuana use to increased risk for psychiatric disorders, including psychosis (schizophrenia), depression, anxiety, and substance use disorders. Effects of cannabis use include distorted perceptions, impaired coordination, difficulty with thinking, problem solving, and disrupted learning and memory, which also reduce ability to perform tasks requiring concentration and coordination.
- d. The amount of THC in marijuana has been increasing steadily over the past several decades. Overall, the potency of illicit cannabis plant material has consistently risen from approximately 4% in 1995 to 12% in 2014. A later study showed today's marijuana contained as much as 30% THC, compared to below 10% in earlier years.
- e. **Synthetic marijuana:** Sold under many names, "spice" drugs, including K2, fake weed, Yucatan Fire, Skunk, Moon Rocks, and others, have a strong potential for abuse. The Drug Enforcement Administration has designated the five active chemicals most frequently found in Spice as controlled substances. The effects are similar to marijuana but have also been known to produce extreme anxiety, paranoia, and hallucinations.

## 9. Opioids:

Opioids are a class of drugs that include the illegal drug heroin, synthetic opioids such as fentanyl, and pain relievers available legally by prescription, such as oxycodone (OxyContin®), hydrocodone (Vicodin®), codeine, morphine, and many others.

All opioids are chemically related and interact with opioid receptors on nerve cells in the body and

brain. Opioid pain relievers are generally safe when taken for a short time and as prescribed by a doctor, but because they produce euphoria in addition to pain relief, they can be misused. An opioid overdose can be reversed with the drug naloxone when given right away.

Opioids can produce drowsiness, cause constipation, and—depending upon the amount taken—depress breathing. The latter effect makes opioids particularly dangerous, especially when they are snorted or injected or combined with other drugs or alcohol.

## Prescription Drugs and Cold Medicines:

Some medications have psychoactive (mind-altering) properties and, because of that, are sometimes abused—that is, taken for reasons or in ways or amounts not intended by a doctor, or taken by someone other than the person for whom they are prescribed. Taken as intended, prescription and OTC drugs safely treat specific mental or physical symptoms. But when taken in different quantities or when such symptoms aren't present, they may affect the brain in ways very similar to illicit drugs.

**a. Depressants.** The effects of depressants (e.g., Valium, Xanax, Nembutal) are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. The use of depressants can cause both physical and psychological dependence causing withdrawal symptoms ranging from restlessness, insomnia and anxiety to convulsions and death. Birth defects and behavioral problems also may result.

**b. Stimulants.** Amphetamines (Adderall), Dextroamphetamine (Dexedrine), and Methylphenidate (Ritalin and Concerta) are central nervous system stimulant prescribed drugs

# Alcohol and Drug Health Risk

that, when abused, can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils, hyperthermia, and decreased appetite. In addition, users may experience sweating, headaches, blurred vision, dizziness, sleeplessness and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination, physical collapse, and even death.

Abuse of stimulant injections cause a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. Persons who use large amounts of stimulants over a long period of time can develop a psychosis that includes hallucinations, delusions and paranoia. The symptoms usually disappear when drug use ceases.

**OTC Drugs.** The most commonly abused Over the Counter drugs are cough and cold remedies containing dextromethorphan. When taken in very high doses, dextromethorphan acts on the same cell receptors as PCP or ketamine, producing similar out-of-body experiences. Dextromethorphan can cause impaired motor function, numbness, nausea or vomiting, and increased heart rate and blood pressure. On rare occasions, hypoxic brain damage—caused by severe respiratory depression and a lack of oxygen to the brain—has occurred due to the combination of dextromethorphan with decongestants often found in the medication.

## Steroids (Anabolic):

Anabolic steroids can be legally prescribed to treat conditions resulting from steroid hormone deficiency. But some athletes, bodybuilders, and others abuse these drugs in an attempt to enhance performance and/or improve their physical appearance.

Anabolic steroids work very differently from other drugs of abuse, and they do not have the same acute effects on the brain. The most important difference is that steroids do not trigger rapid increases in the neurotransmitter dopamine,

which is responsible for the rewarding “high” that drives the abuse of other substances.

Long-term steroid use can affect some of the same brain pathways and chemicals—including dopamine, serotonin, and opioid systems—that are affected by other drugs, and thereby may have a significant impact on mood and behavior.

Abuse of anabolic steroids may lead to aggression, extreme mood swings (“roid rage”), violence, paranoid jealousy, extreme irritability, delusions, and impaired judgment.

## Synthetic Cathinones (Bath Salts):

- a. The term “bath salts” refers to an emerging family of drugs containing one or more synthetic chemicals related to cathinone, an amphetamine-like stimulant found naturally in the khat plant. Reports of severe intoxication and dangerous health effects associated with use of bath salts have made these drugs a serious and growing public health and safety issue. The synthetic cathinones in bath salts can produce euphoria and increased sociability and sex drive, but some users experience paranoia, agitation, and hallucinatory delirium; some even display psychotic and violent behavior, and deaths have been reported in several instances.
- b. The energizing and often agitating effects reported in people who have taken bath salts are consistent with other drugs like amphetamines and cocaine that raise the level of the neurotransmitter dopamine in brain circuits regulating reward and movement. Common reactions reported for people who have needed medical attention after using bath salts include cardiac symptoms (such as racing heart, high blood pressure, and chest pains) and psychiatric symptoms including paranoia, hallucinations, and panic attacks, dehydration, breakdown of skeletal muscle tissue, and kidney failure. Intoxication from several synthetic cathinones including MDPV, mephedrone, methedrone,

# Alcohol and Drug Health Risk

and butylone has proved fatal in several instances.

## Tobacco/Nicotine and E-Cigs:

Tobacco use is the leading preventable cause of disease, disability, and death in the United States. Exposure to secondhand smoke can cause serious diseases and death.

Cigarettes and other forms of tobacco—including cigars, pipe tobacco, snuff, and chewing tobacco—contain the addictive drug nicotine. Nicotine is readily absorbed into the bloodstream when a tobacco product is chewed, inhaled, or smoked. Upon entering the bloodstream, nicotine immediately stimulates the adrenal glands to release the hormone epinephrine (adrenaline). Epinephrine stimulates the central nervous system and increases blood pressure, respiration, and heart rate.

Similar to other addictive drugs like cocaine and heroin, nicotine increases levels of the neurotransmitter dopamine, which affects the brain pathways that control reward and pleasure.

**E-Cigarettes.** Although the vapor does not contain the tar responsible for most lung cancer and other lung diseases, it has been shown to contain known carcinogens and toxic chemicals (such as formaldehyde and acetaldehyde), as well as potentially toxic metal nanoparticles from the vaporizing mechanism. E-cigarette products are not regulated by the FDA, so there are currently no accepted measures to confirm their purity or safety, and the long-term health consequence of e-cigarette use remain unknown. Early evidence suggests that e-cigarette use may not only put users at risk for nicotine addiction but also serve as an introduction to nicotine that could lead to use of regular cigarettes and other tobacco products.

# Crime Prevention & Awareness Programs

## Crime prevention, awareness programs and ongoing campaigns:

Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Evangel University provides crime prevention education and information to students upon request through programs such as:

- *Self Defense Training* as part of new student orientation.
- *Sexual Harassment and Rape Prevention (SHARP)* training.
- *Residence Hall Access Control* protocols including: informing students of their responsibility for entering and exiting the building so as to protect the safety of others *Issuance of Timely Warnings* to inform students of any criminal issues in order to prevent future incidents.
- National Campus Safety Awareness Month- social media campaign.
- Domestic Violence Hurts Everyone- Poster & electronic media campaign.
- *Green Dot* violence prevention program
- *EverFi Haven* sexual violence prevention education.

## Monitoring criminal activity off-campus:

When an Evangel University student is involved in any off-campus criminal activity, EU Department of Public Safety officers may assist with the investigation in cooperation with local, state, or federal law enforcement.

The Evangel University Department of Public Safety maintains a working relationship with the Springfield Police Department, whose officers work and communicate with EU Public Safety officers on serious incidents occurring on campus or in the immediate neighborhood.

Evangel University does not operate any non-campus housing or non-campus student organization facilities.

## Pastoral and professional counselors reporting policy:

In accordance with federal law U.S.C. Section 1092 (f), campus “Pastoral Counselors” and campus “Professional Counselors,” who are functioning only within the scope of their responsibilities as counselors (per the definitions below), are not considered to be campus security authorities and, therefore, are not required to report crimes for inclusion in the annual disclosure of campus crime statistics. It should be noted if a Pastoral Counselor or Professional Counselor qualifies as a CSA under some other standard they are not exempt and are required to report crimes for inclusion in the annual disclosure of campus crime statistics.

As a matter of policy, however, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures and requirement to report crimes for inclusion in the annual campus crime statistics.

The rulemaking committee defines counselors as:

### *Pastoral Counselor*

An employee of an institution, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

### *Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

# FBI Uniform Crime Report Crime Definitions

## Crime definitions from the summary reporting system (SRS) user manual from the FBI's UCR program:

**Criminal homicide**—a.) Murder and nonnegligent manslaughter: the willful (nonnegligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to: (1) the killing of a felon by a law enforcement officer in the line of duty; or (2) the killing of a felon, during the commission of a felony, by a private citizen. b.) Manslaughter by negligence: the killing of another person through gross negligence. Deaths of persons due to their own negligence, accidental deaths not resulting from gross negligence, and traffic fatalities are not included in the category Manslaughter by Negligence.

**Forcible rape**—The carnal knowledge of a female forcibly and against her will. Rapes by force and attempts or assaults to rape, regardless of the age of the victim, are included. Statutory offenses (no force used—victim under age of consent) are excluded.

**Robbery**—The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated assault**—An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

**Burglary (breaking or entering)**—The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

**Motor vehicle theft**—The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction

equipment, airplanes, and farming equipment are specifically excluded from this category.

**Arson**—Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Weapons: carrying, possessing, etc.**—The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.

**Sex offenses (except forcible rape, prostitution, and commercialized vice)**—Offenses against chastity, common decency, morals, and the like. Incest, indecent exposure, and statutory rape are included. Attempts are included.

- a. *Fondling*- The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- b. *Incest*- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- c. *Statutory Rape*- Sexual intercourse with a person who is under statutory age of consent.

**Drug abuse violations**—The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics—manufactured narcotics that can cause true addiction (demerol, methadone); and dangerous nonnarcotic drugs (barbiturates, benzedrine).

# FBI Uniform Crime Report

## Hate Crime Definitions

**Liquor laws**—The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

### Crime definitions from the Hate Crime Data Collection guidelines and Training Manual From the FBI's UCR Program:

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim involving the following crime types; *Murder* and *Non-negligent Manslaughter*; *sexual assault*; *robbery*; as well as the following defined crimes:

**Larceny-Theft (Except Motor Vehicle Theft)**- The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Simple Assault**- An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation**- To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property**- To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Although there are many categories of bias, under the Clery Act, only the following eight categories are reported:**

**Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

**Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

**Sexual Orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**Gender.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Gender Identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

**Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.



# FBI Uniform Crime Report Hate Crime Definitions

***National Origin.*** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

***Disability.*** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.



# Important Phone Numbers

## **Police**

For all emergencies, on or off campus, dial **911**

Non-emergency police phone number (417) 864-1810

## **Public Safety**

On campus phone system (417) 865-2815 Ext. 7000

Direct line (417) 575-8911

## **Hospitals**

Cox South Hospital (417) 269-6000

Mercy Hospital (417) 820-2000

## **External Hotline Numbers**

Victims Center Hotline (417) 864-7233

Sexual Assault Hotline (800) 656-4672

Domestic Assault Hotline (800) 799-7233

# POLICY AND PROCEDURES FOR SEXUAL MISCONDUCT OFFENSES

In May 2020, the Department of Education updated Title IX Regulations (34 C.F.R. Part 106). The following policies and procedures are implemented for the 2021-2022 school year. The university reserves the right to make immediate modifications or revisions to these policies and procedures based on guidance by federal courts and/or the department of education, upon publication on our website.

## **Evangel University**

This policy was created with guidance from the Association of Title IX Administrators and the Department of Education Title IX regulations: "ATIXA 2020 Interim Model Sexual Harassment Policies and Procedures. Use and adaption of this model with citation to ATIXA is permitted through a limited license to Evangel University. Other rights reserved." ©2020. ATIXA

## TABLE OF CONTENTS

I.	Policy.....	3
	Purpose and Scope .....	3
	Statement of NonDiscrimination.....	3
	Title IX Coordinators .....	3
	Applicable definitions .....	4
	Sexual Harassment Offenses .....	6
	Protections associated with Title IX.....	8
	Options for Reporting.....	10
II.	Reporting a Sexual Harassment Offense .....	13
	Supportive Measures.....	13
	Initial Assessment .....	14
	Resolution Processes .....	17
	Formal Grievance Process .....	19
	Appeals .....	31
	Additional Notes .....	33
	Additional Federal Obligations .....	34
	Appendix 1: Missouri State Criminal Definitions and Penalties.....	36
	Appendix 2: Rights of the Parties.....	37
	Appendix 3: Violence Risk Assessment (VRA).....	39

# Evangel University Sexual Harassment Policy and Procedures

## I. POLICY

---

### PURPOSE AND SCOPE

Evangel University, owned and operated by the Assemblies of God, is committed to respecting all employees, students and guests. Sexual harassment offenses are incompatible with Evangel's standards of Christian conduct, are criminal acts that infringe on the rights of others, and are strictly prohibited by the University. The core purpose of this policy is the prohibition of sexual harassment and retaliation. Title IX applies to sexual harassment that occurs on campus or in a university program/activity. Title IX does not apply to sexual harassment that occurs off-campus, in a private setting, and that is not part of the institution's education program or activity, or is outside of the United States. In cases where Title IX does not apply, the university may adjudicate complaints based on established disciplinary procedures. This policy is applicable to all University employees, students, or visitors to the University, as well as anyone participating in a University sponsored activity.

The university is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, free from sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Evangel has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation sexual harassment or retaliation. The university values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

We encourage individuals to report sexual harassment to the university, as well as to appropriate law enforcement officials, so that we may care well for our community members. Contact the [Title IX Coordinator, Deputy Coordinator, or Office of Public Safety](#) to report any sexual harassment offenses. This community includes, but is not limited to, students, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers.

---

### STATEMENT OF NONDISCRIMINATION

Evangel University does not discriminate based on race, ethnicity, national origin, sex, disability, age, veteran status, or any other protected legal status in matters of admissions, employment, housing, educational programs or activities. We operate in compliance with federal non-discrimination laws (Title IX of the Education Amendments of 1972, Title VI and Title IX of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Violence Against Women Act-VAWA). As a religious institution, the university is exempted from certain provisions and retains the right to make legitimate employment, admission, and educational decisions on the basis of religious tenets, consistent with applicable laws (Title IX statute, 1<sup>st</sup> Amendment, and Religious Freedom Restoration Act).

---

### TITLE IX COORDINATORS

The university's Title IX Coordinator oversees compliance of the sexual harassment policy and reports directly to the President of the University. Questions about this policy or anyone wishing to make a report relating to sexual harassment may do so by contacting the Title IX Coordinator (or deputy

coordinator). The coordinator may designate other appropriately trained individuals to receive and investigate reports complaints, as is appropriate.

**Title IX Coordinator:** Dr. Greg Johns, VP for Student Development, Office: Riggs Hall, 304, 1111 N. Glenstone, Springfield, MO 65802, Phone: (417) 865-2815, ext. 7316, [johnsg@evangel.edu](mailto:johnsg@evangel.edu)

**Title IX Deputy Coordinator (for employees):** Samantha Tyler, Director of Human Resources, Office: Riggs Hall, 309, Phone: (417) 865-2815, ext. 7311, [tylers@evangel.edu](mailto:tylers@evangel.edu)

**Title IX Deputy Coordinator (for students):** Gina Rentschler, Director of Community Life, Office: Cantrell Student Union 203, (417) 865-2815, ext. 7317, [rentschlerg@evangel.edu](mailto:rentschlerg@evangel.edu)

Two coordinators oversee gender equity in athletics and disability accommodations:

Athletic Compliance Coordinator: Steven Gause, Assistant Basketball Coach, Office: Ashcroft Center, Phone: (417) 865-2815, ext. 7409, [gauses@evangel.edu](mailto:gauses@evangel.edu)

Section 504 Compliance Coordinator: Stephen Houseknecht, Coordinator for Disability Services, Office: Zimmerman 208, Phone: (417) 865-2815, ext. 8271, [houseknechts@evangel.edu](mailto:houseknechts@evangel.edu)

Immediate assistance is available 24/7 by calling the Evangel University Office of Public Safety at (417) 865-2815 ext. 7000, (on campus phone 911) or coming in person to Riggs Hall 208. An officer can assist in facilitating medical treatment, contacting a victim's advocate, support person, Title IX Coordinator, and/or campus pastor, as well as reporting the crime to local law enforcement (if requested).

Additionally, anonymous reports can be made by using the [online reporting form](#). Anonymous reports may prompt a need for the institution to investigate; however, the university may be limited in the investigation and outcome of such reports.

**Independence and Conflict of Interest:** The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. Members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving bias, conflict of interest, or misconduct by the Title IX Coordinator, contact the university's President [[Office of the President](#)]. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

External inquiries concerning Title IX also may be referred to:

- Office for Civil Rights (OCR), United States Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-1100. Customer Service Hotline: (800) 421-3481. Fax: (202) 453-6012. TDD (877) 521-2172. Email: [OCR@ed.gov](mailto:OCR@ed.gov) Web: <http://www.ed.gov/ocr>
- State of Missouri regional Office of Civil Rights. Office for Civil Rights, U.S. Department of Education; One Petticoat Lane, 1010 Walnut, 3rd Floor, Suite 320; Kansas City, MO 64106; Telephone: 816-268-0550; FAX: 816-268-0599; TDD: 800-877-8339; Email: [OCR.KansasCity@ed.gov](mailto:OCR.KansasCity@ed.gov)

---

## APPLICABLE DEFINITIONS

**Actual Knowledge.** Notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or an official who has authority to institute corrective measures on behalf of the university.

**Advisor.** A person chosen by a party or appointed by the university to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

**Amnesty.** To encourage reporting, the university offers an individual who reports a crime of sexual violence amnesty from policy violations related to the incident.

**Coercion.** Unreasonable pressure to engage in sexual activity. Coercion includes elements of pressure, duress, cajoling, and compulsion. When someone makes clear that they do not want an activity, that they want to stop, or that they do not want to go past a certain point, continued pressure beyond that point can be coercive and is not consensual.

**Complainant.** An individual who is alleged to be the victim of conduct that could be sexual harassment based on a protected class; or retaliation for engaging in a protected activity.

**Confidential Resource.** Employees who are professional licensed counselors, pastoral counselors, medical professionals, and athletic trainers, acting within their licensure and role, are not required to report any information disclosed about an incident to the Title IX Coordinator without permission.

**Consent.** Clear; knowing; and voluntary words or actions that give permission for a specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.

*Note: Consent to one form of activity cannot automatically imply consent to any other form of sexual activity; someone who is incapacitated cannot consent. Previous relationships or past consent does not imply future consent. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated (once consent is withdrawn, activity must stop reasonable immediately). Coercion, force, or threat of either invalidates consent. In order to give consent, one must be of legal age.*

**Education Program or Activity.** Locations, events, or circumstances where the Recipient exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

**Final Determination/Finding.** A conclusion by the standard of proof, *preponderance of evidence*, that conduct more likely did or did not occur as alleged (as in a “finding of fact”).

**Force.** The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent (“Have sex with me or I’ll hit you. Okay, don’t hit me, I’ll do what you want.”).

**Formal Grievance Process.** “Process A,” a method of formal resolution designated by the recipient to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).

**Grievance Process Pool.** Includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).

**Hearing Decision-maker/Panel.** Individuals who have decision-making and sanctioning authority within the University’s Formal Grievance process.

**Incapacitation.** A state where persons cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. There are two forms of incapacity, mental and physical. Mental incapacity results from cognitive impairment, such as developmental disability. Temporary mental incapacity can result from conditions such as epilepsy, panic attacks, and flashbacks. Physical incapacity

results from a physical state or condition, such as sleep, unconsciousness, involuntary physical restraint, or alcohol or other drug consumption.

**Investigator.** The person or persons charged by the Recipient with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.

**Mandated Reporter.** An employee of the university who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator.

**Notice.** When an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.

**Official with Authority (OWA).** An employee of the Recipient explicitly vested with the responsibility to implement corrective measures for sexual harassment and/or retaliation on behalf of the Recipient.

**Parties .** Includes the Complainant(s) and Respondent(s), collectively.

**Recipient.** A postsecondary education program that receives federal funding (the university).

**Remedies.** Post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the Recipient's educational program.

**Respondent.** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.

**Resolution.** The result of an informal or Formal Grievance Process.

**Sanction.** A consequence imposed by the Recipient on a Respondent found to have violated this policy.

**Sexual Harassment.** The umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.

**Standard of Proof.** The university uses *preponderance of the evidence* ("more likely than not") as a standard for proof of whether a policy violation occurred

**Title IX Coordinator.** The official designated by the Recipient to ensure compliance with Title IX and the Recipient's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.

**Title IX Team.** Refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

---

## SEXUAL HARASSMENT OFFENSES

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and State of Missouri regard Sexual Harassment as an unlawful discriminatory practice. Further information concerning legal descriptions and statutes of sex offenses, according to Missouri law, can be found in [Appendix 1](#). Sexual harassment, as an umbrella category, includes quid pro quo harassment, hostile environment harassment, sexual assault, domestic violence, dating violence, and stalking.

### QUID PRO QUO HARASSMENT

Unwelcome conduct of an employee of the university, who conditions the provision of an aid, benefit, or service of the university (implicitly or explicitly), on an individual's participation in unwelcome sexual conduct.



Often, sexual harassment involves relationships of unequal physical power or unequal power of authority, and, therefore, can contain elements of coercion and threat. Consequently, it is University policy to strongly discourage any consensual relationship involving a subordinate employee or student that could lead to alleged or actual sexual harassment.

#### HOSTILE ENVIRONMENT HARASSMENT

Unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and, objectively offensive, that it effectively denies a person equal access to university education program or activity.

#### SEXUAL ASSAULT

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Title IX regulations have adopted the following types of sexual assault (consistent with Clery Act reporting):

- a. **Rape:** Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. The State of Missouri classifies the crime of rape under statutes Rape in the first degree and Rape in the second degree. (RSMO 566.030 and 566.031).
- b. **Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. The state of Missouri classifies fondling under the Sexual Abuse statutes (RSMo 566.100 and 566.101)
- c. **Incest :** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape :** Sexual intercourse with a person who is under the statutory age of consent.

#### DATING VIOLENCE

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

#### DOMESTIC VIOLENCE

A felony or misdemeanor crime of violence committed by:

- a. a current or former spouse or intimate partner of the complainant;
- b. a person with whom the complainant shares a child in common;
- c. a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner;
- d. a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred ;
- e. any other person against an adult or youth victim, protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

#### STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress.

## RETALIATION

Retaliation is a person's adverse action against another person because they have filed a complaint or participated in providing relevant information an investigation. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. We will take all appropriate and available steps to protect individuals who fear they may be subjected to retaliation.

---

## PROTECTIONS ASSOCIATED WITH TITLE IX

### EMERGENCY REMOVAL

The university can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator using its standard objective violence risk assessment procedures. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions/. Violation of an emergency removal under this policy will be grounds for discipline, which may include dismissal. The Title IX Coordinator will implement the least restrictive emergency actions possible in light of circumstances and safety concerns. These actions include but are not limited to: remove a student from a residence hall, [temporarily re-assign an employee], restrict a student's or [employee's] access to or use of facilities or equipment, allow a student to withdraw or take grades of incomplete without financial penalty, authorize an administrative leave, and suspend a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

### PROMPTNESS

All allegations are acted upon promptly by the university once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the university will avoid all undue delays within its control.

## PRIVACY AND EXCEPTIONS

Every effort is made by the university to preserve the privacy of reports. The university will not share the identity of any individual who has made a report of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures. The university reserves the right to determine which officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA), including Divisions of Student Development, Academic Affairs, and Office of the President. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy. In some cases, the university may contact parents/guardians to inform them of situations in which there is a significant health and/or safety risk but will usually consult with the student first before doing so.

## JURISDICTION OF TITLE IX AND THE UNIVERSITY

Title IX applies to educational program and activities of the university, to conduct that takes place on the campus or on property owned or controlled by Evangel, at university-sponsored events, or in buildings owned or controlled by Evangel's recognized student organizations. This policy can also be applicable to off-campus misconduct that effectively deprives someone of access to Evangel's educational program. If the Respondent is a member of Evangel's community, this policy applies.

If the Respondent is unknown or not a member of Evangel's community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus/local resources and support options. When criminal conduct is alleged, assistance with contacting law enforcement if the individual would like to file a police report may be offered. The university may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from EU property and/or events. When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to the university, by means of other disciplinary protocol.

## TIME LIMITS ON REPORTING

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the Evangel's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, change of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures/remedies, and/or engage in informal or formal action,

## ONLINE SEXUAL HARASSMENT AND/OR RETALIATION

Policies of Evangel are written and interpreted to include online behaviors prohibited in this policy, when those behaviors occur in or have an effect on the university's education program and activities or use university networks, technology, or equipment. Although we may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported, we will engage in a variety of means to address and mitigate the effects. Members of the community are to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Evangel community.

#### AMNESTY FOR COMPLAINANTS AND WITNESSES

Sometimes individuals are hesitant to report to university officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as drinking at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of this community that individuals choose to report and that witnesses come forward to share what they know. To encourage reporting and participation in the process, Evangel maintains a policy of offering parties and witnesses amnesty from minor policy violations related to the incident. Amnesty does not apply to allegations such as physical/sexual abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant. The university may provide educational and/or supportive options to those who offer their assistance to others in need.

#### ATTEMPTED VIOLATIONS

In most circumstances, university will treat attempts to commit any of the violations listed in the sexual harassment policy as if those attempts had been completed.

#### FALSE ALLEGATIONS AND EVIDENCE

Deliberately false and/or malicious accusations are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination. Additionally, witnesses and parties who knowingly provide false evidence, tamper with/destroy evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under university policy.

---

### OPTIONS FOR REPORTING

Evangel University encourages individuals to report sexual harassment offenses and to talk to somebody about what happened for support and so the university can respond appropriately. We understand that this can be difficult and want individuals to be aware of the reporting and confidential disclosure options available to them so they can make informed choices about where to turn.

Generally, when university employees are told of sexual harassment, they are expected to immediately report allegations to appropriate officials, with some limited exceptions. On campus, some resources may maintain confidentiality – meaning they are not required to report to appropriate university officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for an individual to report crimes and policy violations and to expect action taken. The following options are available:

## MANDATED REPORTERS

All university employees are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately, unless they are confidential employees (see next section). If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves. If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the university to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous notice typically limits the university's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for those who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, etc. do not provide notice that must be reported to the Coordinator, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the university. Supportive measures may be offered as the result of such disclosures without formal university action.

## CONFIDENTIAL REPORTING

On campus, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared. If an individual would like to talk with someone but wants details of an incident to be kept confidential, there are resources on-campus and off campus. On-campus resources are:

- a. Licensed professional counselors and staff (the Wellness Center, Student Union 108)
- b. Nurse practitioner and staff (the Wellness Center, Student Union 108)
- c. Support advocates (the Wellness Center, Student Union 108; during evening hours, contact a Public Safety Officer, who can immediately contact an advocate/counselor)
- d. Campus pastor (Spence Chapel; during evening hours, contact the Public Safety Office, 417-865-2815, ext. 7000, who can immediately contact the pastor)
- e. Athletic trainer (Mabee Fitness Center)

These employees will maintain confidentiality, according to their licensure, except in extreme cases of immediate threat or danger, or abuse of a minor. These employees will submit anonymous, aggregate statistical information for Clery Act purposes unless they believe it to be harmful to a specific person.

Off-campus (this list includes some, but not all) confidential resources available:

- **The Victim Center:** 819 N Boonville Ave, Springfield, 417-863-7273; 417-864-7233 (24/7 rape crisis line). The Center will provide a **victim's advocate** (and go to a hospital, at the request of the victim) and a number of additional resources.
- **Christian Counseling Clinics—**  
McGuire Counseling: 3101 S. Kimbrough, Suite C, Springfield, MO, 417-866-7773 (4.8 miles)  
Christian Counseling Services; 1525 E Republic Rd, Springfield, MO, 417-881-9800 (5.0 miles)  
The Relationship Center; 2131 S. Eastgate Ave, Springfield, MO, 855-593-4357 (5.2 miles)  
Eaglecrest Counseling: 636 W. Republic, Bldg. G 100, Springfield, MO, 417-862-8282 (7.7 miles)  
All Things New Counseling; 1851 N. Commerce Drive, Nixa, MO; 417-848-5574 (11.4 miles)
- **Community Counseling Clinics—**  
Ozarks Counseling; 614 South Avenue, Springfield, MO; 417-869-9011 (sliding fees) (2.1 miles)

## EMERGENCY REPORTING

Immediate assistance is available 24/7 by calling the Evangel University Office of Public Safety at (417) 865-2815 ext. 7000, (on campus phone 911) or coming in person to Riggs Hall 208. An officer can assist in facilitating medical treatment, contacting a victim's advocate, support person, Title IX Coordinator, and/or campus pastor, as well as reporting the crime to local law enforcement (if requested).

Off-campus emergency resources are:

- Police Department: Springfield PD--321 E Chestnut Expressway, Springfield, MO, 417-864-1810
- Hospitals—all provide sexual assault exams for victims (TO PRESERVE EVIDENCE: [https://www.rainn.org/articles/rape-kit?\\_ga=2.28990268.1635641573.1623779742-101668009.1623779742](https://www.rainn.org/articles/rape-kit?_ga=2.28990268.1635641573.1623779742-101668009.1623779742) )  
Cox South: 3801 S. National Ave., Springfield, MO, 417-269-6000  
Cox North: 1423 N. Jefferson, Springfield, MO, 417-269-3000  
Mercy: 1235 E Cherokee St, Springfield, MO, 417-820-2000

## WHEN A COMPLAINANT DOES NOT WISH TO PROCEED

If a Complainant does not wish for their name to be shared, an investigation to take place, or want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator. The coordinator will evaluate the request in light of the duty to ensure the safety of the campus and to comply with state or federal law. The Title IX Coordinator has ultimate discretion over whether the university proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of a violence risk assessment.

The Title IX Coordinator's decision should be based on results of a violence risk assessment that show a compelling risk to health and/or safety that requires the university to pursue formal action to protect the community. This includes evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Recipients may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes. The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the university's ability to pursue a Formal Grievance Process fairly and effectively.

If the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. When the Recipient proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to

participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony. The goal is to provide the Complainant with as much control over the process as possible, while balancing the Recipient's obligation to protect its community.

In cases in which the Complainant requests confidentiality or no formal action and circumstances allow the university to honor that request, the Recipient will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action. If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint later.

## II. REPORTING A SEXUAL HARASSMENT OFFENSE

The university encourages individuals to report sexual harassment offenses to the [Title IX Coordinator \(or Deputy Coordinator\)](#), [Office of Public Safety](#), and/or appropriate [law enforcement officials](#). The university will act on any formal or informal notice of a sexual harassment violation that is received by the Title IX Coordinator by applying the procedures outlined in the section. If it is determined that the complaint falls under Title IX jurisdiction, the coordinator will apply procedures outlined in this policy. If the alleged sexual harassment falls outside of university property or a university function, other disciplinary procedures can be implemented.

Upon receipt of a complaint or notice to the Title IX Coordinator will initiate the following:

- 1) Offer supportive measures whether or not the Complainant decides to file a formal complaint;
- 2) Engage an initial assessment to determine Title IX jurisdiction and complainant's wishes.
- 3) If appropriate to proceed, discuss Informal Resolution and/or Formal Grievance Process

---

## SUPPORTIVE MEASURES

A Title IX officer will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation. Supportive measures are non-disciplinary, non-punitive services offered as appropriate, reasonably available, and without fee or charge to the parties to restore or preserve access to Evangel's education program or activity and/or deter sexual harassment and/or retaliation. These measures, may include, but are not limited to:

- Referral to counseling and/or health services (students) or to HR (employee assistance program)
- Education for the campus community
- Altering housing situation (resident students)
- Altering work arrangements for students or employees (on campus)
- Providing campus escorts, increased security monitoring by the university's Public Safety Office
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines and schedules, chapel attendance, etc. (students)
- Timely Warnings, if required
- Interim suspension
  - The university may interim suspend an individual/s pending completion of the grievance process, particularly when, in the judgment of the Title IX officer, the safety/well-being of a member of the campus community may be jeopardized by the presence on-campus of the respondent or the ongoing activity of a student organization whose behavior is in question.
  - When imposed, the individual/s will be given opportunity to meet with a Title IX officer prior to imposition, or as soon after as reasonably possible, to show cause why suspension should not be implemented. The Title IX officer has sole discretion to implement or stay an interim

suspension under this policy on and to determine its conditions and duration. Violation of an interim suspension is grounds for dismissal (students) or termination (employees).

- During an interim suspension, an individual/s may be denied access to university housing, campus email, intranet, facilities, activities, and/or events for which the individual might otherwise be eligible. At the discretion of the Title IX officer, alternative coursework or other options may be pursued to ensure as minimal an impact as possible on the respondent.

The university will keep supportive measures as private as possible, provided it does not impair the institution's ability to provide those accommodations. We will implement measures in a way that does not reasonably burden the other party, unless an emergency removal is advised

---

## INITIAL ASSESSMENT

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- The Title IX Coordinator seeks to determine if the person affected wishes to make a formal complaint, and will assist them to do so. If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint based on whether a violence risk indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency, works with the Complainant to make sure it is correctly completed, and to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive/remedial response, an informal resolution, or a formal investigation/grievance process.
  - If a supportive/remedial response is preferred, the Title IX Coordinator works with Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, and may seek to determine if the Respondent is also willing to engage in informal resolution (both parties must agree).
  - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address: an incident, pattern of alleged misconduct, and/or a culture/climate concern, based on the nature of the complaint.
    - If it does not, the Title IX Coordinator determines that Title IX does not apply (and must "dismiss" that aspect of the complaint, if any), assesses which university policies may apply, and refers the matter for resolution under other disciplinary protocol. Dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit authority to address a complaint with an appropriate process and remedies.

## VIOLENCE RISK ASSESSMENT

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted as part of the initial assessment. A VRA can aid in critical and/or required determination:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether a Title IX Coordinator should pursue a formal complaint absent a willing Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;



- To help identify potential predatory conduct;
- To help assess/identify possible grooming behaviors;
- Whether it is reasonable to consider informal resolution, and what may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/No Contact Directive is needed.

A VRA is used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process. More about process for VRA can be found in [Appendix 3](#).

### DISMISSING A COMPLAINT (MANDATORY AND DISCRETIONARY)

The university is required (2020 Title IX Regulations, 34 CFR §106.45) to dismiss a formal complaint or any allegations, at any time during the investigation or hearing, if it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by the university, and/or the university does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.

The university may dismiss a formal complaint or allegations if:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by the recipient; or
- 3) Specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal, the university will send written notice and the rationale for doing so simultaneously to the parties. A decision to dismiss/not dismiss is appealable by any party under procedures for appeal.

### COUNTERCLAIMS

The university is obligated to ensure that the grievance process is not abused for retaliatory purposes. It permits the filing of counterclaims but uses an initial assessment to assess whether the allegations in a counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to be reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur. Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

### RIGHT TO AN ADVISOR

Each party may have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process. Parties may select whomever they wish as their Advisor as long as the Advisor is eligible (no conflicting roles) and available (able to be present during scheduled times).

The law permits one advisor for a complainant and one for the respondent only. The university cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the university is not obligated to provide an attorney.

### **Who Can Serve as an Advisor?**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the Evangel community. If a party choose an Advisor from outside the pool of those identified by the university, the Advisor may not have been trained by the university and may not be familiar with policies and procedures.

The Title IX Coordinator can also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from the university, the Advisor will be trained by the university and be familiar with the resolution process.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing; however, during a hearing, they will need an advisor for the hearing.

### **The Advisor's Role in Meetings and Interviews**

Parties may be accompanied by their Advisor in all meetings/interviews at which the party is entitled to be present, including intake and interviews. Advisors may not address university Title IX officials or answer questions in a meeting/interview unless invited to by the official. Advisors may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination. Advisors are expected to advise ethically, with integrity, and in good faith.

All Advisors are subject to the same university policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

### **Advisors in Hearings**

Under U.S. Department of Education Title IX regulations, a form of indirect questioning is required during the hearing, and must be conducted by the parties' Advisors, as the parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the university will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses during the hearing. A party may reject this appointment and choose their own Advisor, but they may not proceed in the hearing without an Advisor. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

### **Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and university policies and procedures.

### **Advisor Violations of University Policy**

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be

ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

### **Sharing Information with the Advisor**

Parties may wish to have the university share documentation and evidence directly related to the allegations with their Advisors. The parties must complete, sign, and submit the consent form to the Title IX Coordinator demonstrating consent to a release of information to the Advisor before university is able to share any records with an Advisor.

### **Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the university. Evangel may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the privacy expectations.

### **Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before a hearing.

### **Outside Assistance in Securing an Advisor**

The university can provide a pool of trained advisors or parties may seek outside assistance.

Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/> ]

---

## **RESOLUTION PROCESSES**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with this policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. The university encourages parties to discuss any sharing of information with their Advisors before doing so.

## INFORMAL RESOLUTION

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, [including mediation, restorative practices, etc.], usually before a formal investigation takes place.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, but usually occurs post-investigation); see below.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the Title IX Coordinator, or designee, will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the university. The Title IX Coordinator, or designee, will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

### **Alternate Resolution Mechanism**

Alternate Resolution is an informal mechanism [including mediation or restorative practices, etc.] by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

### **Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the university are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of university policy and implements agreed-upon sanctions and/or remedies.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence,

and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### **Negotiated Resolution**

The Title IX Coordinator, with consent of parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the university. Negotiated Resolutions are not appealable.

---

## **FORMAL GRIEVANCE PROCESS**

### **GRIEVANCE PROCESS POOL**

The Formal Grievance Process relies on a pool of Title IX administrators to carry out the process. Members of the Pool include the [Title IX Coordinators](#), Investigator/s, Advisors, and Hearing Panel members/Decision makers.

#### **Pool Member Roles**

Members can serve in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternate Resolution
- To investigate complaints
- To serve as a Hearing Facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

#### **Pool Member Appointment**

The Title IX Coordinator, in consultation with the President's Cabinet, appoints the Pool, which acts with independence and impartiality. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles].

#### **Pool Member Training**

The Pool members receive annual training based on their roles, including, but not limited to:

- Scope of the university's Sexual Harassment Policy and Procedures
- Implicit bias, impartiality and objectivity
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- Implement appropriate and situation-specific remedies and/or sanctions
- Conduct investigations in a thorough, reliable, and impartial manner
- Uphold fairness, equity, and due process
- Weigh evidence, conduct questioning, assess credibility
- Render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses; how to apply definitions with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- Conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes that protect the safety of Complainants and Respondents, and promote accountability
- Technology to be used at a live hearing (Zoom, etc).
- Issues of relevance of questions and evidence
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, university advisors, and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted on Evangel's website. The training materials are available at <https://www.thompsoncoburn.com/title-ix-training-series-materials> or <https://www.youtube.com/playlist?list=PLYrJQ3qn6Pn15VmKJDQ0ICDJeNLXhL4bm>

### **Pool Membership**

The Pool includes representatives from staff and faculty. Some representatives from HR, Academics, and Student Development are specially trained to serve as chairs. Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

### **FORMAL GRIEVANCE PROCESS: NOTICE OF INVESTIGATION AND ALLEGATIONS**

The Title IX Coordinator will provide written *Notice Of the Investigation and Allegations* (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates a Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The complainant receives a copy of the NOIA and is given advance notice of delivery. The NOIA includes:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the university presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the university's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that university Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to the university's VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, &
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local addresses of the parties, or emailed to the parties' university-issued email. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

## RESOLUTION TIMELINE

The university will make a good faith effort to complete the resolution process within a 60-90 business day time period, including appeal. This may be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties, as well as an estimate of how much additional time will be needed to complete the process.

## ENSURING IMPARTIALITY

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the university president.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The university operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the preponderance of evidence, standard of proof.

## INVESTIGATION TIMELINE

Investigations are completed normally within 30 business days, though some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc. These include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions. The university will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The university will promptly resume its investigation and resolution process as soon as feasible. University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

## STEPS IN THE INVESTIGATION PROCESS

All investigations are to be thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record. The Investigator typically takes the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
- In coordination with the Title IX Coordinator, initiate/assist with any supportive measures

- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- Identify issues and develop a strategic investigation plan, includes a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their interview/statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the timeline
- Provide regular status updates to the parties throughout the investigation
- Prior the conclusion of the investigation, provide parties and respective Advisors (if desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- The Investigator will gather, assess, and synthesize evidence, but make no conclusions and render no recommendations as part of their report
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if desired by the parties) a secured electronic or hard copy of the draft investigation report. They will have an opportunity to inspect and review all of the evidence obtained as part of the investigation directly related to the reported misconduct, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- Investigator may elect to respond in writing to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties, their Advisors, and appropriate Pool members, through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report



## ROLE AND PARTICIPATION OF WITNESSES IN THE INVESTIGATION

Witnesses in the Evangel community are expected to cooperate with and participate in the university's investigation and resolution process. Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator determines that timeliness or efficiency dictate a need for remote interviewing. The university will take appropriate steps to reasonably ensure the security/privacy of remote interviews. Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

## RECORDING OF INTERVIEWS

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the Investigator elects to audio and/or video record interviews, all involved parties must be made aware of, and consent to, audio and/or video recording.

## REFERRAL FOR HEARING

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing. The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-makers–unless all parties and the Decision-maker agree to an expedited timeline. The Title IX Coordinator will select appropriate Decision-makers from the Pool depending on whether the Respondent is an employee or a student.

## HEARING DECISION-MAKER COMPOSITION

The university will designate a three-member panel from the Pool, at the discretion of the Title IX Coordinator. One of the three members will be appointed as Chair by the Title IX Coordinator. The Decision-makers will not have had any previous involvement with the investigation. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter. The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

## EVIDENTIARY CONSIDERATIONS IN THE HEARING

Any evidence that the Decision-makers determine is relevant and credible may be considered. The hearing does not consider:

- 1) incidents not directly related to the possible violation, unless they evidence a pattern;
- 2) the character of the parties; or
- 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior; unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an

appropriate sanction upon a determination of responsibility; however, this information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement, prior to the hearing, for consideration by the Decision-makers at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-makers render a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

## NOTICE OF HEARING

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notice will contain:

- A description of alleged violation(s), list of policies allegedly violated, description of applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Information about technology that will be used to facilitate the hearing and the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-makers and parties to see and hear a party or witness answering questions. Request by either the Chair or one of the parties must be made at least 5 days prior to hearing
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. Objections must be raised with the Title IX Coordinator at least 5 business days prior to hearing.
- Information how hearing will be recorded and access to recording for parties after the hearing.
- A statement that if a party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. The party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-makers. For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the university will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-makers about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-makers will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Notice that parties cannot bring mobile phones/devices into the hearing.

Hearings for alleged violations that occur near or after the end of an academic term, but are unable to be resolved prior to the end of term, will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the university and remain within the 60-90 business day goal for resolution. In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

## ALTERNATIVE HEARING PARTICIPATION OPTIONS

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator at least five (5) business days prior to the hearing. The Title IX Coordinator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

## PRE-HEARING PREPARATION

The Chair or hearing facilitator, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator (either personally or in writing) unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

## PRE-HEARING MEETINGS

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing. At each pre-hearing meeting with a

party/Advisor, the Chair will consider arguments that evidence identified in a final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings. Pre-hearing meetings will be recorded.

## HEARING PROCEDURES

At the hearing, the Decision-makers have the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations or assistive services. The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-makers and the parties and will then be excused.

## JOINT HEARINGS

In hearings involving more than one Respondent, or in which two (2) or more Complainants, have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

## THE ORDER OF THE HEARING – INTRODUCTIONS AND EXPLANATION OF PROCEDURE

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) based on bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process may be managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

## INVESTIGATOR PRESENTS THE FINAL INVESTIGATION REPORT

The Investigator will present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-makers and the parties (through their Advisors). The Investigator will be present during the entire hearing process, but not during deliberations. Neither the parties nor Decision-makers should ask the Investigator their

opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

## TESTIMONY AND QUESTIONING

Once the Investigator presents the report and is questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-makers and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased. The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

## REFUSAL TO SUBMIT TO CROSS-EXAMINATION AND INFERENCES

If a party or witness chooses not to submit to cross-examination at the hearing (either because they do not attend the meeting, or they attend but refuse to participate in questioning), then the Decision-makers may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-makers must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If a party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself, then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Decision-makers, as distinguished from questions posed by Advisors through cross-examination. The Decision-makers may not draw any inference solely from a party’s/witness’s absence from the hearing, refusal to answer cross-examination, or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-makers may consider evidence it deems relevant, may rely on any relevant statement as long

as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by a party/witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with the Recipient's established rules of decorum for the hearing, the Recipient may require the party to use a different Advisor. If a recipient-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

## RECORDING HEARINGS

Hearings (not deliberations) are recorded by the university for purposes of review in the event of an appeal. Parties may not record the proceedings and no unauthorized recordings are permitted. The Decision-makers, parties, Advisors, and appropriate university administrators will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

## DELIBERATION, DECISION-MAKING, AND STANDARD OF PROOF

The Decision-makers will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-makers may then consider the previously submitted party impact statements in determining appropriate sanction(s). The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-makers may, at their discretion, consider the statements, but they are not binding.

The Decision-makers will review the statements and any pertinent conduct history provided by the university and will determine appropriate sanction(s). The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, evidence used in support of its determination, evidence not relied upon in its determination, credibility assessments, and any sanctions. This report is typically three (3) to five (5) pages and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If extension is granted, the Title IX Coordinator will notify the parties.

## NOTICE OF OUTCOME

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome will be reviewed by appropriate administrators. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within 5 business days of receiving the Decision-makers' deliberation statement. The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local address of the parties as indicated in official university records, or emailed to the parties' university-issued email account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate:

- the specific policy(ies) reported to have been violated, including the relevant policy section;

- a description of the procedural steps taken by the university from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held;
- the finding on each alleged policy violation;
- the findings of fact that support the determination;
- conclusions regarding the application of the relevant policy to the facts at issue;
- a statement of, and rationale for, the result of each allegation to the extent the Recipient is permitted to share such information under state or federal law;
- any sanctions issued which the university is permitted to share according to state or federal law;
- any remedies provided to the Complainant designed to ensure access to the university's educational or employment program or activity, to the extent the university is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent);
- information on when results are considered by the university to be final, any changes that occur prior to finalization; and
- the relevant procedures and bases for any available appeal options.

## SANCTIONS

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- Nature, severity of, and circumstances surrounding the violation(s)
- Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- Sanctions/responsive actions to bring an end to sexual harassment and/or retaliation
- Sanctions/responsive actions to prevent future recurrence of sexual harassment/retaliation
- Remedy effects of sexual harassment/retaliation on Complainant and the community
- Impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either at outcome of any appeal or expiration of the window to appeal when appeal is not requested. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

### Student Sanctions

The following are the usual sanctions that may be imposed upon students singly or in combination:

- *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any university policy, procedure, or directive will result in more severe actions.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified time. Terms of the probation may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. During a suspension, respondent is not authorized to attend university-sponsored events.
- *Dismissal*: Permanent termination of student status and revocation of rights to be on campus for

any reason or to attend university-sponsored events. This status may be noted permanently as a Conduct Dismissal on the student's official transcript.

- *Withholding Diploma*: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree*: The University reserves the right to revoke a degree previously awarded for fraud, misrepresentation, and/or other violation of Evangel's policies, procedures, or directives in obtaining the degree, or for other serious violations committed prior to graduation.
- *Other Actions*: In addition to or in place of the above sanctions, other actions may be assigned.

### **Employee Sanctions**

The following are the usual sanctions that may be imposed upon employees singly or in combination

- *Warning – Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility/Demotion*
- *Delay of tenure track progress*
- *Suspension with/without pay*
- *Termination*
- The University may assign any other sanctions as deemed appropriate.

### **LONG-TERM REMEDIES/OTHER ACTIONS**

In addition to any sanctions implemented, the Title IX Coordinator or Decision-Makers may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence. These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by the Recipient to the Respondent to ensure no effective denial of educational access. The university will maintain the privacy of any long-term remedies, actions, or measures, provided privacy does not impair the university ability to provide these services.



## FAILURE TO COMPLY WITH SANCTIONS, INTERIM/LONG-TERM REMEDIES, OTHER ACTIONS

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-makers, including the Appeal Chair/Panel. Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the university and may be noted on a student's official transcript or an employee's file.

## WITHDRAWAL OR RESIGNATION WHILE CHARGES PENDING

**Students:** If a student has an allegation pending for violation of the Policy, the university may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma. Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Evangel, the resolution process ends, as the university no longer has disciplinary jurisdiction over a withdrawn student. However, the university will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. The student who withdraws or leaves while the process is pending may not return to Evangel. Such exclusion applies to all campuses of the university. A hold will be placed on their ability to be readmitted. They may also be barred from Recipient property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to the university unless and until all sanctions have been satisfied.

**Employees:** Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the university no longer has disciplinary jurisdiction over the resigned employee. However, the university will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation. The employee who resigns with unresolved allegations pending is not eligible for rehire with Evangel or any campus of Evangel, and the records retained by the Title IX Coordinator and HR Director will reflect that status. All university responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

---

## APPEALS

Any party may file a *Request for Appeal*, but it must be submitted in writing to the Title IX Coordinator within 5 business days of the delivery of the *Notice of Outcome*. A panel chosen from the Pool will be designated by the Title IX Coordinator. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Chair for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

## **Grounds for Appeal**

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time of determination regarding responsibility that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Chair and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Chair will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given 5 business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in 5 business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the [Chair/Panel] will render a decision in no more than 5 business days, barring exigent circumstances. [All decisions [are by majority vote] and apply the preponderance of the evidence standard.

A *Notice of Appeal Outcome* will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which the university is permitted to share according to state or federal law, and the rationale supporting essential findings to the extent the university is permitted to share under state/federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local address of the parties as indicated in official institutional records, or emailed to the parties' university-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

## **Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above. If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency

removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

Evangel may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

### **Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- Appeals are not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-makers merely because they disagree with a finding and/or sanction(s).
- The Appeal Chair/Decision-makers may consult with the Title IX Coordinator on questions of procedure/rationale, for clarification. Documentation of all such consults will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural or substantive error cannot be cured by the original Decision-makers (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- Results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to the university or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

---

### **ADDITIONAL NOTES**

University students and employees are responsible for knowing the information, policies and procedures outlined in this document. The university reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. Check the student or employee portal for the updated versions of all policies and procedures. If government regulations change in a way that impact this document, this document will be construed to comply with government regulations in their most recent form. Unless the parties accept current policies, all reports are governed by the policies that were in place at the time the alleged harassment occurred. Procedures applicable are those that are in place at the time of resolution. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such codes generally. Revised 06-30-2015.

### **RECORDKEEPING**

The university will maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the

- university's education program or activity;
4. Any appeal and the result therefrom;
  5. Any Informal Resolution and the result therefrom;
  6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Evangel will make these training materials publicly available on our website; and
  7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
    - a. The basis for all conclusions that the response was not deliberately indifferent;
    - b. Any measures designed to restore or preserve equal access to the university's education program or activity; and
    - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Evangel will also maintain any and all records in accordance with state and federal laws.

## DISABILITIES ACCOMMODATIONS IN THE RESOLUTION PROCESS

Evangel University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the university's resolution process. Anyone needing such accommodations or support should contact the Director of Disability Services [or the Director of HR if employee], who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

---

## ADDITIONAL FEDERAL OBLIGATIONS

### ANNUAL SECURITY REPORT (ASR)

In addition to Title IX requirements, the Clery Act requires the university to submit an Annual Security Report with only statistical data concerning crimes in the past year. All campus employees are deemed Campus Security Authorities and have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes. Personally identifiable information is confidential, but statistical information must be passed along to campus public safety regarding incident type and location (on or off-campus, in the surrounding area) for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime.

### FEDERAL TIMELY WARNING REPORTING

Individuals reporting a sexual harassment offense should be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

### SEXUAL VIOLENCE PREVENTION EDUCATION

The university takes measures to provide a safe campus environment for its students and employees. We offer prevention and awareness programs to promote awareness of sexual violence. Ongoing annual training is also presented and monitored to encourage participation. The programs include:

- Annual review of the Evangel University Sexual Harassment Policy which prohibits all forms of sexual violence and harassment, as stated in the student and employee handbooks;
- Title IX compliance training
- Green Dot bystander intervention training
- Sexual Harassment and Rape Prevention (SHARP) training
- One Love program--Understanding healthy relationships and relationship violence
- Recognizing signs of abusive behavior
- Alcohol and drug abuse prevention program

## APPENDIX 1: MISSOURI STATE CRIMINAL DEFINITIONS AND PENALTIES

These legal definition links are provided as a service for individuals who wish to report criminal behavior to the Springfield Police Department.

In the state of Missouri, sexual violence statutes include domestic assault, rape, statutory rape, sexual harassment, sexual abuse, sexual solicitation, harassment, and stalking and are found in the Missouri Statutes 565 and 566 (see: <http://www.moga.mo.gov/mostatutes/statutesAlpha.html>).

### Consent

In Missouri statute [556.061.14](#) consent is defined as: "Consent": consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

- a. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
- b. It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
- c. It is induced by force, duress or deception;

### Domestic Assault

- Domestic assault, first degree [565.072](#).
- Domestic assault, second degree [565.073](#).
- Domestic assault, third degree [565.074](#).
- Domestic assault, fourth degree [565.076](#).

### Sexual Offenses

- Rape in the first degree [566.030](#)
- Rape in the second degree [566.031](#)
- Statutory rape, first degree [566.032](#)
- Statutory rape, second degree [566.034](#)
- Sexual harassment, first degree [566.093](#)
- Sexual harassment, second degree [566.095](#)
- Sexual abuse, first degree [566.100](#)
- Sexual abuse, second degree [566.101](#)
- Sexual solicitation [555.103](#)

### Sexual Harassment

- Harassment, first degree [565.090](#)
- Harassment, second degree [565.091](#)

### Stalking

- Stalking, first degree [565.225](#)
- Stalking, second degree [565.227](#)

## APPENDIX 2: RIGHTS OF THE PARTIES

Each party has the right to:

- An equitable investigation and resolution of all credible allegations of prohibited harassment or retaliation made in good faith to Title IX officials.
- Timely written notice of all alleged violations (including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- Timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- Be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- Not have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- Be treated with respect by university officials.
- Have university policies and procedures followed without material deviation.
- Not be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- Not be discouraged by university officials from reporting sexual harassment and/or retaliation to both on-campus and off-campus authorities.
- Be informed by university officials of options to notify law enforcement, including on-campus and local police, and the option(s) to be assisted by university authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- Be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; etc. both on campus and in the community.
- A university-implemented No-Contact Directive when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- Be informed of available assistance in changing academic, campus living/working situations after an alleged incident of sexual harassment and/or retaliation, if such changes are reasonably available.
- Have the university maintain supportive measures actions for as long as necessary, and to remain private, provided it does not impair the university's ability to provide the supportive measures.
- Receive advanced, written notice of any meeting/interview involving the other party, when possible.
- Ask the Investigator and Decision-makers to identify/question relevant witnesses.
- Provide the Investigator/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator/Chair, may be asked of any party or witness.
- Not have irrelevant prior sexual history or character admitted as evidence.
- Know the relevant and directly related evidence obtained and to respond to that evidence.
- Fair opportunity to provide the Investigator with their account of the alleged misconduct and have that account be on the record.
- Receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to privacy limitations imposed by state and federal law, prior to the hearing, with at least ten (10) business days to review the report prior to the hearing.
- Respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.

- Be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- Regular updates on the status of the investigation and/or resolution.
- Have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- A Hearing Panel that is not single-sex in its composition, if a panel is used.
- Preservation of privacy, to the extent possible and permitted by law.
- Meetings, interviews, and/or hearings that are closed to the public.
- Petition that any university representative in the process be recused on the basis of a disqualifying bias and/or conflict of interest.
- Have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- Use of the appropriate standard of evidence, preponderance of the evidence, to make a finding after an objective evaluation of all relevant evidence.
- Be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- Have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- Be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- Be informed in writing when a decision by the university is considered final, with any changes to the sanction(s) that occur before the decision is finalized.
- Be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so, with the standards for appeal established by the university.
- A fundamentally fair resolution as defined in these procedures.



## APPENDIX 3: VIOLENCE RISK ASSESSMENT (VRA)

Threat assessment is the process of assessing the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A **Violence Risk Assessment (VRA)** is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

The implementation of VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, and/or other Behavioral Intervention Team (BIT) (sometimes also known as CARE teams) members.

A VRA occurs in collaboration with the Title IX Coordinator, Public Safety Director, and CARE team members (counselor, student success staff, community life staff, and VP for Student Development). Understood as an on-going process, not a singular evaluation or meeting, a VRA is not an evaluation for an involuntary behavioral health hospitalization, nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations.

When conducting a VRA, the assessor(s) use an evidence-based process consisting of:

1. an appraisal of **risk factors** that escalate the potential for violence;
2. a determination of **stabilizing influences** that reduce the risk of violence;
3. a contextual **analysis of violence risk** by considering environmental circumstances, hopelessness, and suicidality; catalyst events; nature and actionability of threat; fixation and focus on target; grievance collection; and action and time imperative for violence; and
4. the application of **intervention and management** approaches to reduce the risk of violence.

To assess an individual's level of violence risk, the Title IX Coordinator will initiate the VRA process through the Care Team, and will assign a trained individual to perform the assessment, according to the specific nature of the Title IX case. The assessor will rely on a consistent, research-based, reliable system that allows the for the operationalization of the risk levels, rather than subjective opinions.

Some examples of formalized approaches to the VRA process include: The NaBITA Risk Rubric ([www.nabita.org/tools](http://www.nabita.org/tools)), The Structured Interview for Violence Risk Assessment (SIVRA-35) ([www.nabita.org/resources/assessment-tools/sivra-35/](http://www.nabita.org/resources/assessment-tools/sivra-35/)), The Extremist Risk Intervention Scale (ERIS) ([www.nabita.org/resources/assessment-tools/eris/](http://www.nabita.org/resources/assessment-tools/eris/)), Looking Glass ([www.nabita.org/looking-glass](http://www.nabita.org/looking-glass)), Workplace Assessment of Violence Risk (WAVR-21) ([www.wavr21.com](http://www.wavr21.com)), Historical Clinical Risk Management (HCR-20) ([hcr-20.com](http://hcr-20.com)), and MOSAIC ([www.mosaicmethod.com](http://www.mosaicmethod.com)).

The VRA is conducted independently from the Title IX process, free from outcome pressure, but is informed by it. The individual(s) conducting the assessment will be trained to mitigate any bias and provide the analysis and findings in a fair and equitable manner. The CARE team conducts a VRA process and makes a recommendation to the Title IX Coordinator as to whether the VRA indicates there is a substantial, compelling, and/or immediate risk to health and/or safety of an individual or community.